

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 174

Senators Gavarone, Hicks-Hudson

To amend sections 109.65, 313.121, 1713.55,	1
1733.242, 2108.81, 2111.08, 2151.011, 2151.23,	2
2151.33, 2151.90, 2301.03, 2307.50, 2317.02,	3
2701.03, 2705.031, 2901.30, 3101.041, 3105.011,	4
3105.21, 3105.63, 3105.65, 3109.03, 3109.04,	5
3109.043, 3109.05, 3109.051, 3109.052, 3109.054,	6
3109.055, 3109.06, 3109.061, 3109.09, 3109.11,	7
3109.12, 3109.401, 3109.41, 3109.42, 3109.43,	8
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3109.60, 3109.65, 3109.66, 3109.68, 3109.74,	11
3111.13, 3111.26, 3111.381, 3113.31, 3119.01,	12
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3127.01, 3127.11, 3127.23, 3127.35, 3310.51,	15
3313.205, 3313.64, 3313.666, 3313.672, 3313.712,	16
3313.96, 3313.98, 3319.321, 3321.01, 3323.143,	17
3328.01, 3332.25, 3333.26, 3345.85, 3701.503,	18
3780.33, 3796.24, 3902.13, 3924.47, 5104.017,	19
5104.018, 5104.039, 5107.02, 5120.652, 5120.653,	20
5123.01, 5153.16, and 5180.14; to amend, for the	21
purpose of adopting new section numbers as	22
indicated in parentheses, sections 3109.043	23
(3109.0497), 3109.051 (3109.0515), 3109.054	24
(3109.0550), and 3109.055 (3109.0570); to enact	25
new sections 3109.041, 3109.042, 3109.054, and	26

3109.055 and sections 3109.044, 3109.045,	27
3109.046, 3109.047, 3109.048, 3109.049,	28
3109.0410, 3109.0411, 3109.0412, 3109.0414,	29
3109.0415, 3109.0416, 3109.0417, 3109.0418,	30
3109.0419, 3109.0420, 3109.0421, 3109.0422,	31
3109.0423, 3109.0424, 3109.0425, 3109.0426,	32
3109.0428, 3109.0430, 3109.0432, 3109.0433,	33
3109.0434, 3109.0435, 3109.0436, 3109.0439,	34
3109.0440, 3109.0441, 3109.0442, 3109.0445,	35
3109.0446, 3109.0449, 3109.0450, 3109.0451,	36
3109.0452, 3109.0453, 3109.0455, 3109.0456,	37
3109.0457, 3109.0458, 3109.0459, 3109.0461,	38
3109.0462, 3109.0463, 3109.0465, 3109.0466,	39
3109.0467, 3109.0468, 3109.0470, 3109.0471,	40
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3109.0486, 3109.0487, 3109.0488, 3109.0489,	44
3109.0490, 3109.0491, 3109.0492, 3109.0493,	45
3109.0498, 3109.056, 3109.057, 3109.058,	46
3109.059, 3109.0510, 3109.0511, 3109.0512,	47
3109.0516, 3109.0517, 3109.0518, 3109.0519,	48
3109.0521, 3109.0522, 3109.0523, 3109.0524,	49
3109.0526, 3109.0527, 3109.0528, 3109.0529,	50
3119.071, and 3119.072; and to repeal sections	51
3109.041, 3109.042, and 3109.053 of the Revised	52
Code regarding the allocation of parenting	53
responsibilities in a parenting plan.	54

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

Section 1. That sections 109.65, 313.121, 1713.55, 55
1733.242, 2108.81, 2111.08, 2151.011, 2151.23, 2151.33, 2151.90, 56
2301.03, 2307.50, 2317.02, 2701.03, 2705.031, 2901.30, 3101.041, 57
3105.011, 3105.21, 3105.63, 3105.65, 3109.03, 3109.04, 3109.043, 58
3109.05, 3109.051, 3109.052, 3109.054, 3109.055, 3109.06, 59
3109.061, 3109.09, 3109.11, 3109.12, 3109.401, 3109.41, 3109.42, 60
3109.43, 3109.44, 3109.47, 3109.48, 3109.50, 3109.51, 3109.52, 61
3109.53, 3109.55, 3109.56, 3109.58, 3109.60, 3109.65, 3109.66, 62
3109.68, 3109.74, 3111.13, 3111.26, 3111.381, 3113.31, 3119.01, 63
3119.06, 3119.07, 3119.08, 3119.24, 3119.82, 3119.87, 3119.964, 64
3125.03, 3125.06, 3125.43, 3127.01, 3127.11, 3127.23, 3127.35, 65
3310.51, 3313.205, 3313.64, 3313.666, 3313.672, 3313.712, 66
3313.96, 3313.98, 3319.321, 3321.01, 3323.143, 3328.01, 3332.25, 67
3333.26, 3345.85, 3701.503, 3780.33, 3796.24, 3902.13, 3924.47, 68
5104.017, 5104.018, 5104.039, 5107.02, 5120.652, 5120.653, 69
5123.01, 5153.16, and 5180.14 be amended; sections 3109.043 70
(3109.0497), 3109.051 (3109.0515), 3109.054 (3109.0550), and 71
3109.055 (3109.0570) be amended for the purpose of adopting new 72
section numbers as indicated in parentheses; and new sections 73
3109.041, 3109.042, 3109.054, and 3109.055 and sections 74
3109.044, 3109.045, 3109.046, 3109.047, 3109.048, 3109.049, 75
3109.0410, 3109.0411, 3109.0412, 3109.0414, 3109.0415, 76
3109.0416, 3109.0417, 3109.0418, 3109.0419, 3109.0420, 77
3109.0421, 3109.0422, 3109.0423, 3109.0424, 3109.0425, 78
3109.0426, 3109.0428, 3109.0430, 3109.0432, 3109.0433, 79
3109.0434, 3109.0435, 3109.0436, 3109.0439, 3109.0440, 80
3109.0441, 3109.0442, 3109.0445, 3109.0446, 3109.0449, 81
3109.0450, 3109.0451, 3109.0452, 3109.0453, 3109.0455, 82
3109.0456, 3109.0457, 3109.0458, 3109.0459, 3109.0461, 83
3109.0462, 3109.0463, 3109.0465, 3109.0466, 3109.0467, 84
3109.0468, 3109.0470, 3109.0471, 3109.0472, 3109.0473, 85
3109.0474, 3109.0475, 3109.0476, 3109.0477, 3109.0478, 86

3109.0479, 3109.0482, 3109.0483, 3109.0484, 3109.0485, 87
3109.0486, 3109.0487, 3109.0488, 3109.0489, 3109.0490, 88
3109.0491, 3109.0492, 3109.0493, 3109.0498, 3109.056, 3109.057, 89
3109.058, 3109.059, 3109.0510, 3109.0511, 3109.0512, 3109.0516, 90
3109.0517, 3109.0518, 3109.0519, 3109.0521, 3109.0522, 91
3109.0523, 3109.0524, 3109.0526, 3109.0527, 3109.0528, 92
3109.0529, 3119.071, and 3119.072 of the Revised Code be enacted 93
to read as follows: 94

Sec. 109.65. (A) As used in this section, "minor," 95
"missing child," and "missing children" have the same meanings 96
as in section 2901.30 of the Revised Code. 97

(B) There is hereby created within the office of the 98
attorney general the missing children clearinghouse. The 99
attorney general shall administer the clearinghouse. The 100
clearinghouse is established as a central repository of 101
information to coordinate and improve the availability of 102
information regarding missing children, which information shall 103
be collected and disseminated by the clearinghouse to assist in 104
the location of missing children. The clearinghouse shall act as 105
an information repository separate from and in addition to law 106
enforcement agencies within this state. 107

(C) The missing children clearinghouse may perform any of 108
the following functions: 109

(1) The establishment of services to aid in the location 110
of missing children that include, but are not limited to, any of 111
the following services: 112

(a) Assistance in the preparation and dissemination of 113
flyers identifying and describing missing children and their 114
abductors; 115

(b) The development of informational forms for the 116
reporting of missing children that may be used by parents, 117
guardians, and law enforcement officials to facilitate the 118
location of a missing child; 119

(c) The provision of assistance to public and private 120
organizations, boards of education, nonpublic schools, 121
preschools, child care facilities, and law enforcement agencies 122
in planning and implementing voluntary programs to fingerprint 123
children. 124

(2) The establishment and operation of a toll-free 125
telephone line for supplemental reports of missing children and 126
reports of sightings of missing children; 127

(3) Upon the request of any person or entity and upon 128
payment of any applicable fee established by the attorney 129
general under division (H) of this section, the provision to the 130
person or entity who makes the request of a copy of any 131
information possessed by the clearinghouse that was acquired or 132
prepared pursuant to division (E) (3) of this section; 133

(4) The performance of liaison services between 134
individuals and public and private agencies regarding procedures 135
for handling and responding to missing children reports; 136

(5) The participation as a member in any networks of other 137
missing children centers or clearinghouses; 138

(6) The creation and operation of an intrastate network of 139
communication designed for the speedy collection and processing 140
of information concerning missing children. 141

(D) If a board of education is notified by school 142
personnel that a missing child is attending any school under the 143
board's jurisdiction, or if the principal or chief 144

administrative officer of a nonpublic school is notified by 145
school personnel that a missing child is attending that school, 146
the board or the principal or chief administrative officer 147
immediately shall give notice of that fact to the missing 148
children clearinghouse and to the law enforcement agency with 149
jurisdiction over the area where the missing child resides. 150

(E) (1) The attorney general, in cooperation with the 151
department of children and youth, shall establish a "missing 152
child educational program" within the missing children 153
clearinghouse that shall perform the functions specified in 154
divisions (E) (1) to (3) of this section. The program shall 155
operate under the supervision and control of the attorney 156
general in accordance with procedures that the attorney general 157
shall develop to implement divisions (E) (1) to (3) of this 158
section. The attorney general shall cooperate with the 159
department of education and workforce in developing and 160
disseminating information acquired or prepared pursuant to 161
division (E) (3) of this section. 162

(2) Upon the request of any board of education in this 163
state or any nonpublic school in this state, the missing child 164
educational program shall provide to the board or school a 165
reasonable number of copies of the information acquired or 166
prepared pursuant to division (E) (3) of this section. 167

Upon the request of any board of education in this state 168
or any nonpublic school in this state that, pursuant to section 169
3313.96 of the Revised Code, is developing an information 170
program concerning missing children issues and matters, the 171
missing child educational program shall provide to the board or 172
nonpublic school assistance in developing the information 173
program. The assistance may include, but is not limited to, the 174

provision of any or all of the following:	175
(a) If the requesting entity is a board of education of a	176
school district, sample policies on missing and exploited	177
children issues to assist the board in complying with section	178
3313.205 of the Revised Code;	179
(b) Suggested safety curricula regarding missing children	180
issues, including child safety and abduction prevention issues;	181
(c) Assistance in developing, with local law enforcement	182
agencies, prosecuting attorneys, boards of education, school	183
districts, and nonpublic schools, cooperative programs for	184
fingerprinting children;	185
(d) Other assistance to further the goals of the program.	186
(3) The missing child educational program shall acquire or	187
prepare informational materials relating to missing children	188
issues and matters. These issues and matters include, but are	189
not limited to, the following:	190
(a) The types of missing children;	191
(b) The reasons why and how minors become missing	192
children, the potential adverse consequences of a minor becoming	193
a missing child, and, in the case of minors who are considering	194
running away from home or from the care, custody, and control of	195
their parents, parent who is the residential-designated parent	196
and legal custodian, guardian, legal custodian, or another	197
person responsible for them, alternatives that may be available	198
to address their concerns and problems;	199
(c) Offenses under federal law that could relate to	200
missing children and other provisions of federal law that focus	201
on missing children;	202

(d) Offenses under the Revised Code that could relate to	203
missing children, including, but not limited to, kidnapping,	204
abduction, unlawful restraint, child stealing, interference with	205
custody, endangering children, domestic violence, abuse of a	206
child and contributing to the dependency, neglect, unruliness,	207
or delinquency of a child, sexual offenses, drug offenses,	208
prostitution offenses, and obscenity offenses, and other	209
provisions of the Revised Code that could relate to missing	210
children;	211
(e) Legislation being considered by the general assembly,	212
legislatures of other states, the congress of the United States,	213
and political subdivisions in this or any other state to address	214
missing children issues;	215
(f) Sources of information on missing children issues;	216
(g) State, local, federal, and private systems for	217
locating and identifying missing children;	218
(h) Law enforcement agency programs, responsibilities, and	219
investigative techniques in missing children matters;	220
(i) Efforts on the community level in this and other	221
states, concerning missing children issues and matters, by	222
governmental entities and private organizations;	223
(j) The identification of private organizations that,	224
among their primary objectives, address missing children issues	225
and matters;	226
(k) How to avoid becoming a missing child and what to do	227
if one becomes a missing child;	228
(l) Efforts that schools, parents, and members of a	229
community can undertake to reduce the risk that a minor will	230

become a missing child and to quickly locate or identify a minor 231
if he becomes a missing child, including, but not limited to, 232
fingerprinting programs. 233

(F) Each year the missing children clearinghouse shall 234
issue a report describing its performance of the functions 235
specified in division (E) of this section and shall provide a 236
copy of the report to the speaker of the house of 237
representatives, the president of the senate, the governor, the 238
superintendent of the bureau of criminal identification and 239
investigation, and the director of children and youth. 240

(G) Any state agency or political subdivision of this 241
state that operates a missing children program or a 242
clearinghouse for information about missing children shall 243
coordinate its activities with the missing children 244
clearinghouse. 245

(H) The attorney general shall determine a reasonable fee 246
to be charged for providing to any person or entity other than a 247
state or local law enforcement agency of this or any other 248
state, a law enforcement agency of the United States, a board of 249
education of a school district in this state, a nonpublic school 250
in this state, a governmental entity in this state, or a public 251
library in this state, pursuant to division (A) (3) of this 252
section, copies of any information acquired or prepared pursuant 253
to division (E) (3) of this section. The attorney general shall 254
collect the fee prior to sending or giving copies of any 255
information to any person or entity for whom or which this 256
division requires the fee to be charged and shall deposit the 257
fee into the missing children fund created by division (I) of 258
this section. 259

(I) There is hereby created in the state treasury the 260

missing children fund that shall consist of all moneys awarded 261
to the state by donation, gift, or bequest, all other moneys 262
received for purposes of this section, and all fees collected 263
pursuant to this section or section 109.64 of the Revised Code. 264
The attorney general shall use the moneys in the missing 265
children fund only for purposes of the office of the attorney 266
general acquiring or preparing information pursuant to division 267
(E) (3) of this section. 268

(J) The failure of the missing children clearinghouse to 269
undertake any function or activity authorized in this section 270
does not create a cause of action against the state. 271

Sec. 313.121. (A) As used in this section, "parent" means 272
either parent, except that if one parent ~~has been designated is~~ 273
the ~~residential-designated~~ parent and legal custodian of the 274
child, "parent" means the designated ~~residential~~ parent and 275
legal custodian, and if a person other than a parent is the 276
child's legal guardian, "parent" means the legal guardian. 277

(B) If a child under two years of age dies suddenly when 278
in apparent good health, the death shall be reported immediately 279
to the coroner of the county in which the death occurred, as 280
required by section 313.12 of the Revised Code. Except as 281
provided in division (C) of this section, the coroner or deputy 282
coroner shall perform an autopsy on the child. The autopsy shall 283
be performed in accordance with rules adopted by the director of 284
health under section 313.122 of the Revised Code. The coroner or 285
deputy coroner may perform research procedures and tests when 286
performing the autopsy. 287

If the child was one year of age or younger at the time of 288
death and the death occurred suddenly and unexpectedly, the 289
cause of which is not immediately obvious prior to 290

investigation, the coroner, deputy coroner, or other individual 291
who has been designated to investigate the child's death shall 292
complete a sudden unexplained infant death investigation 293
reporting form (SUIDI reporting form) developed by the United 294
States centers for disease control and prevention or an 295
alternative reporting form. The director of health may develop 296
an alternative reporting form in consultation with the Ohio 297
state coroners association. The individual who completes the 298
reporting form shall retain the form and send a copy of it to 299
the appropriate child fatality review board or regional child 300
fatality review board established under section 307.621 of the 301
Revised Code. If a coroner or deputy coroner completes the 302
reporting form, a copy of the coroner's report described in 303
section 313.09 of the Revised Code shall also be sent to the 304
board. 305

A completed reporting form and copies of completed 306
reporting forms are not public records under section 149.43 of 307
the Revised Code. 308

(C) A coroner or deputy coroner is not required to perform 309
an autopsy if the coroner of the county in which the death 310
occurred or a court with jurisdiction over the deceased body 311
determines under section 313.131 of the Revised Code that an 312
autopsy is contrary to the religious beliefs of the child. If 313
the coroner or the court makes such a determination, the coroner 314
shall notify the health district or department of health with 315
jurisdiction in the area in which the child's parent resides. 316
For purposes of this division, the religious beliefs of the 317
parents of a child shall be considered to be the religious 318
beliefs of the child. 319

(D) If the child's parent makes a written or verbal 320

request for the preliminary results of the autopsy after the 321
results are available, the coroner, or a person designated by 322
the coroner, shall give the parent an oral statement of the 323
preliminary results. 324

The coroner, within a reasonable time after the final 325
results of the autopsy are reported, shall send written notice 326
of the results to the state department of health, the health 327
district or department with jurisdiction in the area in which 328
the child's parent resides, and, upon the request of a parent of 329
the child, to the child's attending physician. Upon the written 330
request of a parent of the child and the payment of the 331
transcript fee required by section 313.10 of the Revised Code, 332
the coroner shall send written notice of the final results to 333
that parent. The notice sent to the state department of health 334
shall include all of the information specified in rules adopted 335
under section 313.122 of the Revised Code. 336

(E) On the occurrence of any of the following, the health 337
district or department with jurisdiction in the area in which 338
the child's parent resides shall offer the parent any counseling 339
or other supportive services it has available: 340

(1) When it learns through any source that an autopsy is 341
being performed on a child under two years of age who died 342
suddenly when in apparent good health; 343

(2) When it receives notice that the final result of an 344
autopsy performed pursuant to this section concluded that the 345
child died of sudden infant death syndrome; 346

(3) When it is notified by the coroner that, pursuant to 347
division (C) of this section, an autopsy was not performed. 348

(F) When a health district or department receives notice 349

that the final result of an autopsy performed pursuant to this 350
section concluded that the child died of sudden infant death 351
syndrome or that, pursuant to division (C) of this section, an 352
autopsy was not performed but sudden infant death syndrome may 353
have been the cause of death, it shall offer the child's parent 354
information about sudden infant death syndrome. The state 355
department of health shall ensure that current information on 356
sudden infant death syndrome is available for distribution by 357
health districts and departments. 358

Sec. 1713.55. (A) As used in this section: 359

(1) "Nonprofit institution of higher education" or 360
"institution" means a nonprofit college, university, or other 361
institution that offers instruction in the arts and sciences, 362
business administration, engineering, philosophy, literature, 363
fine arts, law, medicine, nursing, social work, theology, and 364
other recognized academic and professional fields of study, and 365
awards degrees for fulfilling requirements of academic work 366
beyond high school. 367

(2) "On-campus student housing" means a dormitory or other 368
student residence that is owned or operated by or located on the 369
campus of a nonprofit institution of higher education. 370

(3) "Parent" means either parent or legal custodian, 371
except that if one parent ~~has sole custody~~ is the designated 372
parent and legal custodian, "parent" means the designated parent 373
~~with custody~~ and legal custodian. "Parent" also includes a 374
guardian or, in the absence of a parent or guardian, another 375
person who has accepted responsibility for the care of the 376
student. 377

(B) Beginning with the academic year that commences on or 378

after July 1, 2005, a nonprofit institution of higher education 379
shall not permit a student to reside in on-campus student 380
housing unless the student, or, if the student is younger than 381
eighteen years of age, the student's parent, discloses to the 382
institution whether the student has been vaccinated against 383
meningococcal meningitis and hepatitis B by submitting to the 384
institution the meningitis and hepatitis B vaccination status 385
statement described in division (B) of section 3701.133 of the 386
Revised Code or a meningitis status statement form provided by 387
the institution that meets the requirements of division (B) of 388
section 3701.133 of the Revised Code. The statement may be 389
submitted in written form or, if the institution has a secure 390
web site, in electronic form. 391

(C) On receipt of an application for residence in on- 392
campus student housing, a nonprofit institution of higher 393
education shall do both of the following: 394

(1) Inform the student of the disclosure requirement; 395

(2) Provide the student in either written or, if the 396
school has a secure web site, electronic form the meningitis and 397
hepatitis B vaccination status statement described in division 398
(B) of section 3701.133 of the Revised Code or a meningitis 399
status statement form provided by the institution that meets the 400
requirements of division (B) of section 3701.133 of the Revised 401
Code. 402

(D) This section does not require an institution to 403
provide or pay for a meningococcal meningitis or hepatitis B 404
vaccination for any student. 405

Sec. 1733.242. (A) On the terms and conditions the credit 406
union prescribes, a credit union may do all of the following: 407

(1) Provide safes, vaults, safe deposit boxes, night 408
depositories, and other secure receptacles for the uses, 409
purposes, and benefits of its members; 410

(2) Receive tangible property and evidence of tangible or 411
intangible property for safekeeping using the credit union's 412
safes, vaults, secure receptacles, or safekeeping system; the 413
safes, vaults, secure receptacles, or safekeeping system of 414
another credit union; or the safekeeping system of a safekeeping 415
agent or custodian. 416

(B) (1) A credit union may enter into an agreement to rent 417
a safe deposit box to a minor and accept the appointment of a 418
minor as agent or deputy on any deposit or safe deposit box by 419
any person, including a minor, maintaining the deposit or safe 420
deposit box. 421

(2) When a credit union enters into a safe deposit box 422
rental agreement with a minor pursuant to division (B) (1) of 423
this section, all of the following apply: 424

(a) The terms and conditions of the safe deposit box 425
rental agreement are binding on the minor the same as a person 426
of legal age who rents a safe deposit box. 427

(b) The relationship between the credit union and the 428
minor regarding the safe deposit box rental agreement is in all 429
respects the same as if the minor were a person of legal age. 430

(c) The credit union shall incur no liability for any 431
transaction regarding the safe deposit box solely because of 432
doing business with a minor. 433

(3) Nothing in divisions (B) (1) and (2) of this section 434
shall be construed to limit the parental rights and parenting 435
responsibilities provided under section 2111.08 of the Revised 436

Code or to limit the rights of a guardian appointed pursuant to 437
Chapter 2111. of the Revised Code. 438

(C) The superintendent of financial institutions shall 439
promulgate rules to qualify a credit union, safekeeping agent, 440
or custodian that may receive from another credit union tangible 441
property and evidence of tangible or intangible property for 442
safekeeping pursuant to division (A) of this section. 443

Sec. 2108.81. (A) If either of the following is true, 444
division (B) of this section shall apply: 445

(1) A person has not executed a written declaration 446
pursuant to sections 2108.70 to 2108.73 of the Revised Code that 447
remains in force at the time of the person's death. 448

(2) Each person to whom the right of disposition has been 449
assigned or reassigned pursuant to a written declaration is 450
disqualified from exercising the right as described in section 451
2108.75 of the Revised Code. 452

(B) Subject to division (A) of this section and sections 453
2108.75 and 2108.79 of the Revised Code, the right of 454
disposition is assigned to the following persons, if mentally 455
competent adults who can be located with reasonable effort, in 456
the order of priority stated: 457

(1) The deceased person's surviving spouse; 458

(2) The sole surviving child of the deceased person or, if 459
there is more than one surviving child, all of the surviving 460
children, collectively; 461

(3) The deceased person's surviving parent or parents, 462
subject to division (C) of this section; 463

(4) The deceased person's surviving sibling, whether of 464

the whole or of the half blood or, if there is more than one 465
sibling of the whole or of the half blood, all of the surviving 466
siblings, collectively; 467

(5) The deceased person's surviving grandparent or 468
grandparents; 469

(6) The deceased person's surviving grandchild, or if 470
there is more than one surviving grandchild, all of the 471
surviving grandchildren collectively; 472

(7) The lineal descendants of the deceased person's 473
grandparents, as described in division (I) of section 2105.06 of 474
the Revised Code; 475

(8) The person who was the deceased person's guardian at 476
the time of the deceased person's death, if a guardian had been 477
appointed; 478

(9) Any other person willing to assume the right of 479
disposition, including the personal representative of the 480
deceased person's estate or the licensed funeral director with 481
custody of the deceased person's body, after attesting in 482
writing that a good faith effort has been made to locate the 483
persons in divisions (B)(1) to (8) of this section. 484

(10) If the deceased person was an indigent person or 485
other person the final disposition of whose body is the 486
financial and statutory responsibility of the state or a 487
political subdivision of this state, the public officer or 488
employee responsible for arranging the final disposition of the 489
remains of the deceased person. 490

(C)(1) If a parent was the ~~residential-designated~~ parent 491
and legal custodian of the deceased person at the time the 492
deceased person reached the age of majority, that parent's right 493

of disposition for the deceased person shall take precedence 494
over the parent who was not the ~~residential-designated~~ parent 495
and legal custodian of the deceased person at that time. 496

(2) Division (C)(1) of this section shall not apply if the 497
parent with precedence is disqualified from the right of 498
disposition for the deceased person under section 2108.75 of the 499
Revised Code. 500

(3) Section 2108.79 of the Revised Code shall not affect 501
the precedence under division (C)(1) of this section; 502

(4) For purposes of this section, a parent's status as a 503
~~residential-designated~~ parent and legal custodian of a child 504
shall be established by a court order or decree that allocates- 505
~~parental rights and parenting responsibilities for the care of~~ 506
~~the child under a parenting plan~~ and was in effect up to or at 507
the time that the deceased person reached the age of majority, 508
or by other uncontroverted evidence. No funeral director, 509
embalmer, or crematory operator is required to investigate 510
whether or not the person claiming to be the ~~residential-~~ 511
~~designated~~ parent and legal custodian of a deceased person is in 512
fact the ~~residential-designated~~ parent and legal custodian. 513

Sec. 2111.08. The wife and husband are the joint natural 514
guardians of their minor children and are equally charged with 515
their care, nurture, welfare, and education and the care and 516
management of their estates. The wife and husband have equal 517
powers, rights, and duties and neither parent has any right 518
paramount to the right of the other concerning the ~~parental-~~ 519
~~rights and parenting responsibilities for the care of the minor-~~ 520
or the right to be the ~~residential-designated~~ parent and legal 521
custodian of the minor, the control of the services or the 522
earnings of such minor, or any other matter affecting the minor; 523

provided that if either parent, to the exclusion of the other, 524
is maintaining and supporting the child, that parent shall have 525
the paramount right to control the services and earnings of the 526
child. Neither parent shall forcibly take a child from the 527
guardianship of the parent who is the ~~residential~~-designated 528
parent and legal custodian of the child. 529

If the wife and husband live apart, the court may award 530
the guardianship of a minor to either parent, and the state in 531
which the parent who is the ~~residential~~-designated parent and 532
legal custodian or who otherwise has the lawful custody of the 533
minor resides has jurisdiction to determine questions concerning 534
the minor's guardianship. 535

Sec. 2151.011. (A) As used in the Revised Code: 536

(1) "Juvenile court" means whichever of the following is 537
applicable that has jurisdiction under this chapter and Chapter 538
2152. of the Revised Code: 539

(a) The division of the court of common pleas specified in 540
section 2101.022 or 2301.03 of the Revised Code as having 541
jurisdiction under this chapter and Chapter 2152. of the Revised 542
Code or as being the juvenile division or the juvenile division 543
combined with one or more other divisions; 544

(b) The juvenile court of Cuyahoga county or Hamilton 545
county that is separately and independently created by section 546
2151.08 or Chapter 2153. of the Revised Code and that has 547
jurisdiction under this chapter and Chapter 2152. of the Revised 548
Code; 549

(c) If division (A)(1)(a) or (b) of this section does not 550
apply, the probate division of the court of common pleas. 551

(2) "Juvenile judge" means a judge of a court having 552

jurisdiction under this chapter. 553

(3) "Private child placing agency" means any association, 554
as defined in section 5103.02 of the Revised Code, that is 555
certified under section 5103.03 of the Revised Code to accept 556
temporary, permanent, or legal custody of children and place the 557
children for either foster care or adoption. 558

(4) "Private noncustodial agency" means any person, 559
organization, association, or society certified by the 560
department of children and youth that does not accept temporary 561
or permanent legal custody of children, that is privately 562
operated in this state, and that does one or more of the 563
following: 564

(a) Receives and cares for children for two or more 565
consecutive weeks; 566

(b) Participates in the placement of children in certified 567
foster homes; 568

(c) Provides adoption services in conjunction with a 569
public children services agency or private child placing agency. 570

(B) As used in this chapter: 571

(1) "Adequate parental care" means the provision by a 572
child's parent or parents, guardian, or custodian of adequate 573
food, clothing, and shelter to ensure the child's health and 574
physical safety and the provision by a child's parent or parents 575
of specialized services warranted by the child's physical or 576
mental needs. 577

(2) "Adult" means an individual who is eighteen years of 578
age or older. 579

(3) "Agreement for temporary custody" means a voluntary 580

agreement authorized by section 5103.15 of the Revised Code that 581
transfers the temporary custody of a child to a public children 582
services agency or a private child placing agency. 583

(4) "Alternative response" means the public children 584
services agency's response to a report of child abuse or neglect 585
that engages the family in a comprehensive evaluation of child 586
safety, risk of subsequent harm, and family strengths and needs 587
and that does not include a determination as to whether child 588
abuse or neglect occurred. 589

(5) "Certified foster home" means a foster home, as 590
defined in section 5103.02 of the Revised Code, certified under 591
section 5103.03 of the Revised Code. 592

(6) "Child" means a person who is under eighteen years of 593
age, except that the juvenile court has jurisdiction over any 594
person who is adjudicated an unruly child prior to attaining 595
eighteen years of age until the person attains twenty-one years 596
of age, and, for purposes of that jurisdiction related to that 597
adjudication, a person who is so adjudicated an unruly child 598
shall be deemed a "child" until the person attains twenty-one 599
years of age. 600

(7) "Child day camp," "child care," "child care center," 601
"part-time child care center," "type A family child care home," 602
"licensed type B family child care home," "type B family child 603
care home," "administrator of a child care center," 604
"administrator of a type A family child care home," and "in-home 605
aide" have the same meanings as in section 5104.01 of the 606
Revised Code. 607

(8) "Child care provider" means an individual who is a 608
child-care staff member or administrator of a child care center, 609

a type A family child care home, or a type B family child care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of children and youth, department of developmental disabilities, or the early childhood programs of the department of education.

(9) "Commit" means to vest custody as ordered by the court.

(10) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

(12) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.

(13) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a

court order, in a public or private facility designed to 639
physically restrict the movement and activities of children. 640

(14) "Developmental disability" has the same meaning as in 641
section 5123.01 of the Revised Code. 642

(15) "Differential response approach" means an approach 643
that a public children services agency may use to respond to 644
accepted reports of child abuse or neglect with either an 645
alternative response or a traditional response. 646

(16) "Foster caregiver" has the same meaning as in section 647
5103.02 of the Revised Code. 648

(17) "Guardian" means a person, association, or 649
corporation that is granted authority by a probate court 650
pursuant to Chapter 2111. of the Revised Code to exercise 651
~~parental rights~~ parenting responsibilities over a child to the 652
extent provided in the court's order and subject to the residual 653
parental rights of the child's parents. 654

(18) "Habitual truant" means any child of compulsory 655
school age who is absent without legitimate excuse for absence 656
from the public school the child is supposed to attend for 657
thirty or more consecutive hours, forty-two or more hours in one 658
school month, or seventy-two or more hours in a school year. 659

(19) "Intellectual disability" has the same meaning as in 660
section 5123.01 of the Revised Code. 661

(20) "Juvenile traffic offender" has the same meaning as 662
in section 2152.02 of the Revised Code. 663

(21) "Legal custody" means a legal status that vests in 664
the custodian the right to have physical care and control of the 665
child and to determine where and with whom the child shall live, 666

and the right and duty to protect, train, and discipline the 667
child and to provide the child with food, shelter, education, 668
and medical care, all subject to any residual parental rights, 669
privileges, and responsibilities. An individual granted legal 670
custody shall exercise the rights and responsibilities 671
personally unless otherwise authorized by any section of the 672
Revised Code or by the court. 673

(22) A "legitimate excuse for absence from the public 674
school the child is supposed to attend" includes, but is not 675
limited to, any of the following: 676

(a) The fact that the child in question has enrolled in 677
and is attending another public or nonpublic school in this or 678
another state; 679

(b) The fact that the child in question is excused from 680
attendance at school for any of the reasons specified in section 681
3321.04 or 3321.042 of the Revised Code; 682

(c) The fact that the child in question has received an 683
age and schooling certificate in accordance with section 3331.01 684
of the Revised Code. 685

(23) "Mental illness" has the same meaning as in section 686
5122.01 of the Revised Code. 687

(24) "Mental injury" means any behavioral, cognitive, 688
emotional, or mental disorder in a child caused by an act or 689
omission that is described in section 2919.22 of the Revised 690
Code and is committed by the parent or other person responsible 691
for the child's care. 692

(25) "Nonsecure care, supervision, or training" means 693
care, supervision, or training of a child in a facility that 694
does not confine or prevent movement of the child within the 695

facility or from the facility. 696

(26) "Of compulsory school age" has the same meaning as in 697
section 3321.01 of the Revised Code. 698

(27) "Organization" means any institution, public, 699
semipublic, or private, and any private association, society, or 700
agency located or operating in the state, incorporated or 701
unincorporated, having among its functions the furnishing of 702
protective services or care for children, or the placement of 703
children in certified foster homes or elsewhere. 704

(28) "Out-of-home care" means detention facilities, 705
shelter facilities, certified children's crisis care facilities, 706
certified foster homes, placement in a prospective adoptive home 707
prior to the issuance of a final decree of adoption, 708
organizations, certified organizations, child care centers, type 709
A family child care homes, type B family child care homes, child 710
care provided by in-home aides, group home providers, group 711
homes, institutions, state institutions, residential facilities, 712
residential care facilities, residential camps, day camps, 713
private, nonprofit therapeutic wilderness camps, public schools, 714
chartered nonpublic schools, educational service centers, 715
hospitals, and medical clinics that are responsible for the 716
care, physical custody, or control of children. 717

(29) "Out-of-home care child abuse" means any of the 718
following when committed by a person responsible for the care of 719
a child in out-of-home care: 720

(a) Engaging in sexual activity with a child in the 721
person's care; 722

(b) Denial to a child, as a means of punishment, of proper 723
or necessary subsistence, education, medical care, or other care 724

necessary for a child's health; 725

(c) Use of restraint procedures on a child that cause 726
injury or pain; 727

(d) Administration of prescription drugs or psychotropic 728
medication to the child without the written approval and ongoing 729
supervision of a licensed physician; 730

(e) Commission of any act, other than by accidental means, 731
that results in any injury to or death of the child in out-of- 732
home care or commission of any act by accidental means that 733
results in an injury to or death of a child in out-of-home care 734
and that is at variance with the history given of the injury or 735
death. 736

(30) "Out-of-home care child neglect" means any of the 737
following when committed by a person responsible for the care of 738
a child in out-of-home care: 739

(a) Failure to provide reasonable supervision according to 740
the standards of care appropriate to the age, mental and 741
physical condition, or other special needs of the child; 742

(b) Failure to provide reasonable supervision according to 743
the standards of care appropriate to the age, mental and 744
physical condition, or other special needs of the child, that 745
results in sexual or physical abuse of the child by any person; 746

(c) Failure to develop a process for all of the following: 747

(i) Administration of prescription drugs or psychotropic 748
drugs for the child; 749

(ii) Assuring that the instructions of the licensed 750
physician who prescribed a drug for the child are followed; 751

(iii) Reporting to the licensed physician who prescribed 752
the drug all unfavorable or dangerous side effects from the use 753
of the drug. 754

(d) Failure to provide proper or necessary subsistence, 755
education, medical care, or other individualized care necessary 756
for the health or well-being of the child; 757

(e) Confinement of the child to a locked room without 758
monitoring by staff; 759

(f) Failure to provide ongoing security for all 760
prescription and nonprescription medication; 761

(g) Isolation of a child for a period of time when there 762
is substantial risk that the isolation, if continued, will 763
impair or retard the mental health or physical well-being of the 764
child. 765

(31) "Permanent custody" means a legal status that vests 766
in a public children services agency or a private child placing 767
agency, all parenting responsibilities and parental rights, 768
duties, and obligations, including the right to consent to 769
adoption, and divests the natural parents or adoptive parents of 770
all parenting responsibilities and parental rights, privileges, 771
and obligations, including all residual rights and obligations. 772

(32) "Permanent surrender" means the act of the parents 773
or, if a child has only one parent, of the parent of a child, by 774
a voluntary agreement authorized by section 5103.15 of the 775
Revised Code, to transfer the permanent custody of the child to 776
a public children services agency or a private child placing 777
agency. 778

(33) "Person" means an individual, association, 779
corporation, or partnership and the state or any of its 780

political subdivisions, departments, or agencies. 781

(34) "Person responsible for a child's care in out-of-home 782
care" means any of the following: 783

(a) Any foster caregiver, in-home aide, or provider; 784

(b) Any administrator, employee, or agent of any of the 785
following: a public or private detention facility; shelter 786
facility; certified children's crisis care facility; 787
organization; certified organization; child care center; type A 788
family child care home; licensed type B family child care home; 789
group home; institution; state institution; residential 790
facility; residential care facility; residential camp; day camp; 791
school district; community school; chartered nonpublic school; 792
educational service center; hospital; or medical clinic; 793

(c) Any person who supervises or coaches children as part 794
of an extracurricular activity sponsored by a school district, 795
public school, or chartered nonpublic school; 796

(d) Any other person who performs a similar function with 797
respect to, or has a similar relationship to, children. 798

(35) "Physical impairment" means having one or more of the 799
following conditions that substantially limit one or more of an 800
individual's major life activities, including self-care, 801
receptive and expressive language, learning, mobility, and self- 802
direction: 803

(a) A substantial impairment of vision, speech, or 804
hearing; 805

(b) A congenital orthopedic impairment; 806

(c) An orthopedic impairment caused by disease, rheumatic 807
fever or any other similar chronic or acute health problem, or 808

amputation or another similar cause. 809

(36) "Placement for adoption" means the arrangement by a 810
public children services agency or a private child placing 811
agency with a person for the care and adoption by that person of 812
a child of whom the agency has permanent custody. 813

(37) "Placement in foster care" means the arrangement by a 814
public children services agency or a private child placing 815
agency for the out-of-home care of a child of whom the agency 816
has temporary custody or permanent custody. 817

(38) "Planned permanent living arrangement" means an order 818
of a juvenile court pursuant to which both of the following 819
apply: 820

(a) The court gives legal custody of a child to a public 821
children services agency or a private child placing agency 822
without the termination of parental rights. 823

(b) The order permits the agency to make an appropriate 824
placement of the child and to enter into a written agreement 825
with a foster care provider or with another person or agency 826
with whom the child is placed. 827

(39) "Practice of social work" and "practice of 828
professional counseling" have the same meanings as in section 829
4757.01 of the Revised Code. 830

(40) "Private, nonprofit therapeutic wilderness camp" has 831
the same meaning as in section 5103.02 of the Revised Code. 832

(41) "Sanction, service, or condition" means a sanction, 833
service, or condition created by court order following an 834
adjudication that a child is an unruly child that is described 835
in division (A) (4) of section 2152.19 of the Revised Code. 836

(42) "Protective supervision" means an order of 837
disposition pursuant to which the court permits an abused, 838
neglected, dependent, or unruly child to remain in the custody 839
of the child's parents, guardian, or custodian and stay in the 840
child's home, subject to any conditions and limitations upon the 841
child, the child's parents, guardian, or custodian, or any other 842
person that the court prescribes, including supervision as 843
directed by the court for the protection of the child. 844

(43) "Psychiatrist" has the same meaning as in section 845
5122.01 of the Revised Code. 846

(44) "Psychologist" has the same meaning as in section 847
4732.01 of the Revised Code. 848

(45) "Resource caregiver" has the same meaning as in 849
section 5103.02 of the Revised Code. 850

(46) "Resource family" has the same meaning as in section 851
5103.02 of the Revised Code. 852

(47) "Residential camp" means a program in which the care, 853
physical custody, or control of children is accepted overnight 854
for recreational or recreational and educational purposes. 855

(48) "Residential care facility" means an institution, 856
residence, or facility that is licensed by the department of 857
mental health and addiction services under section 5119.34 of 858
the Revised Code and that provides care for a child. 859

(49) "Residential facility" means a home or facility that 860
is licensed by the department of developmental disabilities 861
under section 5123.19 of the Revised Code and in which a child 862
with a developmental disability resides. 863

(50) "Residual parental rights, privileges, and 864

responsibilities" means those rights, privileges, and 865
responsibilities remaining with the natural parent after the 866
transfer of legal custody of the child, including, but not 867
necessarily limited to, the privilege of reasonable visitation, 868
consent to adoption, the privilege to determine the child's 869
religious affiliation, and the responsibility for support. 870

(51) "School day" means the school day established by the 871
board of education of the applicable school district pursuant to 872
section 3313.481 of the Revised Code. 873

(52) "School year" has the same meaning as in section 874
3313.62 of the Revised Code. 875

(53) "Secure correctional facility" means a facility under 876
the direction of the department of youth services that is 877
designed to physically restrict the movement and activities of 878
children and used for the placement of children after 879
adjudication and disposition. 880

(54) "Sexual activity" has the same meaning as in section 881
2907.01 of the Revised Code. 882

(55) "Shelter" means the temporary care of children in 883
physically unrestricted facilities pending court adjudication or 884
disposition. 885

(56) "Shelter for victims of domestic violence" has the 886
same meaning as in section 3113.33 of the Revised Code. 887

(57) "Temporary custody" means legal custody of a child 888
who is removed from the child's home, which custody may be 889
terminated at any time at the discretion of the court or, if the 890
legal custody is granted in an agreement for temporary custody, 891
by the person who executed the agreement. 892

(58) "Traditional response" means a public children 893
services agency's response to a report of child abuse or neglect 894
that encourages engagement of the family in a comprehensive 895
evaluation of the child's current and future safety needs and a 896
fact-finding process to determine whether child abuse or neglect 897
occurred and the circumstances surrounding the alleged harm or 898
risk of harm. 899

(C) For the purposes of this chapter, a child shall be 900
presumed abandoned when the parents of the child have failed to 901
visit or maintain contact with the child for more than ninety 902
days, regardless of whether the parents resume contact with the 903
child after that period of ninety days. 904

Sec. 2151.23. (A) The juvenile court has exclusive 905
original jurisdiction under the Revised Code as follows: 906

(1) Concerning any child who on or about the date 907
specified in the complaint, indictment, or information is 908
alleged to have violated section 2151.87 of the Revised Code or 909
an order issued under that section or to be a juvenile traffic 910
offender or a delinquent, unruly, abused, neglected, or 911
dependent child and, based on and in relation to the allegation 912
pertaining to the child, concerning the parent, guardian, or 913
other person having care of a child who is alleged to be an 914
unruly child for being an habitual truant or who is alleged to 915
be a delinquent child for violating a court order regarding the 916
child's prior adjudication as an unruly child for being an 917
habitual truant; 918

(2) Subject to divisions (G), (I), (K), and (V) of section 919
2301.03 of the Revised Code, to determine the custody of any 920
child not a ward of another court of this state; 921

(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;	922 923
(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a person with a mental illness subject to court order, as defined in section 5122.01 of the Revised Code;	924 925 926 927 928 929
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	930 931
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	932 933 934 935 936 937 938 939 940 941 942
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	943 944
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	945 946 947 948
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of	949 950

permanent custody agreements, that are filed pursuant to section 951
5103.15 of the Revised Code; 952

(10) To hear and determine applications for consent to 953
marry pursuant to section 3101.04 of the Revised Code; 954

(11) Subject to divisions (G), (I), (K), and (V) of 955
section 2301.03 of the Revised Code, to hear and determine a 956
request for an order for the support of any child if the request 957
is not ancillary to an action for divorce, dissolution of 958
marriage, annulment, or legal separation, a criminal or civil 959
action involving an allegation of domestic violence, or an 960
action for support brought under Chapter 3115. of the Revised 961
Code; 962

(12) Concerning an action commenced under section 121.38 963
of the Revised Code; 964

(13) To hear and determine violations of section 3321.38 965
of the Revised Code; 966

(14) To exercise jurisdiction and authority over the 967
parent, guardian, or other person having care of a child alleged 968
to be a delinquent child, unruly child, or juvenile traffic 969
offender, based on and in relation to the allegation pertaining 970
to the child; 971

(15) To conduct the hearings, and to make the 972
determinations, adjudications, and orders authorized or required 973
under sections 2152.82 to 2152.86 and Chapter 2950. of the 974
Revised Code regarding a child who has been adjudicated a 975
delinquent child and to refer the duties conferred upon the 976
juvenile court judge under sections 2152.82 to 2152.86 and 977
Chapter 2950. of the Revised Code to magistrates appointed by 978
the juvenile court judge in accordance with Juvenile Rule 40; 979

(16) To hear and determine a petition for a protection 980
order against a child under section 2151.34 or 3113.31 of the 981
Revised Code and to enforce a protection order issued or a 982
consent agreement approved under either section against a child 983
until a date certain but not later than the date the child 984
attains nineteen years of age; 985

(17) Concerning emancipated young adults under sections 986
2151.45 to 2151.455 of the Revised Code; 987

(18) To hear and determine a request for a court order to 988
examine and interview a child who may be an abused, neglected, 989
or dependent child under section 2151.25 of the Revised Code. 990

(B) Except as provided in divisions (G), (I), and (P) of 991
section 2301.03 of the Revised Code, the juvenile court has 992
original jurisdiction under the Revised Code: 993

(1) To hear and determine all cases of misdemeanors 994
charging adults with any act or omission with respect to any 995
child, which act or omission is a violation of any state law or 996
any municipal ordinance; 997

(2) To determine the paternity of any child alleged to 998
have been born out of wedlock pursuant to sections 3111.01 to 999
3111.18 of the Revised Code; 1000

(3) Under the uniform interstate family support act in 1001
Chapter 3115. of the Revised Code; 1002

(4) To hear and determine an application for an order for 1003
the support of any child, if the child is not a ward of another 1004
court of this state; 1005

(5) To hear and determine an action commenced under 1006
section 3111.28 of the Revised Code; 1007

(6) To hear and determine a motion filed under section 1008
3119.961 of the Revised Code; 1009

(7) To receive filings under section 3109.74 of the 1010
Revised Code, and to hear and determine actions arising under 1011
sections 3109.51 to 3109.80 of the Revised Code. 1012

(8) To enforce an order for the return of a child made 1013
under the Hague Convention on the Civil Aspects of International 1014
Child Abduction pursuant to section 3127.32 of the Revised Code; 1015

(9) To grant any relief normally available under the laws 1016
of this state to enforce a child custody determination made by a 1017
court of another state and registered in accordance with section 1018
3127.35 of the Revised Code. 1019

(C) The juvenile court, except as to juvenile courts that 1020
are a separate division of the court of common pleas or a 1021
separate and independent juvenile court, has jurisdiction to 1022
hear, determine, and make a record of any action for divorce or 1023
legal separation that involves the custody or care of children 1024
and that is filed in the court of common pleas and certified by 1025
the court of common pleas with all the papers filed in the 1026
action to the juvenile court for trial, provided that no 1027
certification of that nature shall be made to any juvenile court 1028
unless the consent of the juvenile judge first is obtained. 1029
After a certification of that nature is made and consent is 1030
obtained, the juvenile court shall proceed as if the action 1031
originally had been begun in that court, except as to awards for 1032
spousal support or support due and unpaid at the time of 1033
certification, over which the juvenile court has no 1034
jurisdiction. 1035

(D) The juvenile court, except as provided in division (I) 1036

of section 2301.03 of the Revised Code, has jurisdiction to hear 1037
and determine all matters as to custody and support of children 1038
duly certified by the court of common pleas to the juvenile 1039
court after a divorce decree has been granted, including 1040
jurisdiction to modify the judgment and decree of the court of 1041
common pleas as the same relate to the custody and support of 1042
children. 1043

(E) The juvenile court, except as provided in division (I) 1044
of section 2301.03 of the Revised Code, has jurisdiction to hear 1045
and determine the case of any child certified to the court by 1046
any court of competent jurisdiction if the child comes within 1047
the jurisdiction of the juvenile court as defined by this 1048
section. 1049

(F) (1) The juvenile court shall exercise its jurisdiction 1050
in child custody matters in accordance with sections 3109.04 to 1051
3109.0498 and 3127.01 to 3127.53 of the Revised Code and, as 1052
applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 1053
of the Revised Code. 1054

(2) The juvenile court shall exercise its jurisdiction in 1055
child support matters in accordance with section 3109.05 of the 1056
Revised Code. 1057

(G) Any juvenile court that makes or modifies an order for 1058
child support shall comply with Chapters 3119., 3121., 3123., 1059
and 3125. of the Revised Code. If any person required to pay 1060
child support under an order made by a juvenile court on or 1061
after April 15, 1985, or modified on or after December 1, 1986, 1062
is found in contempt of court for failure to make support 1063
payments under the order, the court that makes the finding, in 1064
addition to any other penalty or remedy imposed, shall assess 1065
all court costs arising out of the contempt proceeding against 1066

the person and require the person to pay any reasonable 1067
attorney's fees of any adverse party, as determined by the 1068
court, that arose in relation to the act of contempt. 1069

(H) If a child who is charged with an act that would be an 1070
offense if committed by an adult was fourteen years of age or 1071
older and under eighteen years of age at the time of the alleged 1072
act and if the case is transferred for criminal prosecution 1073
pursuant to section 2152.12 of the Revised Code, except as 1074
provided in section 2152.121 of the Revised Code, the juvenile 1075
court does not have jurisdiction to hear or determine the case 1076
subsequent to the transfer. The court to which the case is 1077
transferred for criminal prosecution pursuant to that section 1078
has jurisdiction subsequent to the transfer to hear and 1079
determine the case in the same manner as if the case originally 1080
had been commenced in that court, subject to section 2152.121 of 1081
the Revised Code, including, but not limited to, jurisdiction to 1082
accept a plea of guilty or another plea authorized by Criminal 1083
Rule 11 or another section of the Revised Code and jurisdiction 1084
to accept a verdict and to enter a judgment of conviction 1085
pursuant to the Rules of Criminal Procedure against the child 1086
for the commission of the offense that was the basis of the 1087
transfer of the case for criminal prosecution, whether the 1088
conviction is for the same degree or a lesser degree of the 1089
offense charged, for the commission of a lesser-included 1090
offense, or for the commission of another offense that is 1091
different from the offense charged. Section 2152.022 of the 1092
Revised Code applies with respect to the transfer of a case for 1093
criminal prosecution as described in this division and the 1094
determination of jurisdiction after the transfer and, as 1095
described in division (B) of that section, the juvenile court 1096
retains jurisdiction over charges included in the complaint or 1097

complaints containing the allegation that is the basis of the 1098
transfer that are not transferred. 1099

(I) If a person under eighteen years of age allegedly 1100
commits an act that would be a felony if committed by an adult 1101
and if the person is not taken into custody or apprehended for 1102
that act until after the person attains twenty-one years of age, 1103
the juvenile court does not have jurisdiction to hear or 1104
determine any portion of the case charging the person with 1105
committing that act. In those circumstances, divisions (A) and 1106
(B) of section 2152.12 of the Revised Code do not apply 1107
regarding the act, and the case charging the person with 1108
committing the act shall be a criminal prosecution commenced and 1109
heard in the appropriate court having jurisdiction of the 1110
offense as if the person had been eighteen years of age or older 1111
when the person committed the act. All proceedings pertaining to 1112
the act shall be within the jurisdiction of the court having 1113
jurisdiction of the offense, and that court has all the 1114
authority and duties in the case that it has in other criminal 1115
cases in that court. 1116

(J) In exercising its exclusive original jurisdiction 1117
under division (A)(16) of this section with respect to any 1118
proceedings brought under section 2151.34 or 3113.31 of the 1119
Revised Code in which the respondent is a child, the juvenile 1120
court retains all dispositional powers consistent with existing 1121
rules of juvenile procedure and may also exercise its discretion 1122
to adjudicate proceedings as provided in sections 2151.34 and 1123
3113.31 of the Revised Code, including the issuance of 1124
protection orders or the approval of consent agreements under 1125
those sections. 1126

Sec. 2151.33. (A) Pending hearing of a complaint filed 1127

under section 2151.27 of the Revised Code or a motion filed or 1128
made under division (B) of this section and the service of 1129
citations, the juvenile court may make any temporary disposition 1130
of any child that it considers necessary to protect the best 1131
interest of the child and that can be made pursuant to division 1132
(B) of this section. Upon the certificate of one or more 1133
reputable practicing physicians, certified nurse-midwives, 1134
clinical nurse specialists, or certified nurse practitioners, 1135
the court may summarily provide for emergency medical and 1136
surgical treatment that appears to be immediately necessary to 1137
preserve the health and well-being of any child concerning whom 1138
a complaint or an application for care has been filed, pending 1139
the service of a citation upon the child's parents, guardian, or 1140
custodian. The court may order the parents, guardian, or 1141
custodian, if the court finds the parents, guardian, or 1142
custodian able to do so, to reimburse the court for the expense 1143
involved in providing the emergency medical or surgical 1144
treatment. Any person who disobeys the order for reimbursement 1145
may be adjudged in contempt of court and punished accordingly. 1146

If the emergency medical or surgical treatment is 1147
furnished to a child who is found at the hearing to be a 1148
nonresident of the county in which the court is located and if 1149
the expense of the medical or surgical treatment cannot be 1150
recovered from the parents, legal guardian, or custodian of the 1151
child, the board of county commissioners of the county in which 1152
the child has a legal settlement shall reimburse the court for 1153
the reasonable cost of the emergency medical or surgical 1154
treatment out of its general fund. 1155

(B) (1) After a complaint, petition, writ, or other 1156
document initiating a case dealing with an alleged or 1157
adjudicated abused, neglected, or dependent child is filed and 1158

upon the filing or making of a motion pursuant to division (C) 1159
of this section, the court, prior to the final disposition of 1160
the case, may issue any of the following temporary orders to 1161
protect the best interest of the child: 1162

(a) An order granting temporary custody of the child to a 1163
particular party; 1164

(b) An order for the taking of the child into custody 1165
pursuant to section 2151.31 of the Revised Code pending the 1166
outcome of the adjudicatory and dispositional hearings; 1167

(c) An order granting, limiting, or eliminating parenting 1168
time under a parenting plan or companionship or visitation 1169
~~rights~~ with respect to the child; 1170

(d) An order requiring a party to vacate a residence that 1171
will be lawfully occupied by the child; 1172

(e) An order requiring a party to attend an appropriate 1173
counseling program that is reasonably available to that party; 1174

(f) Any other order that restrains or otherwise controls 1175
the conduct of any party which conduct would not be in the best 1176
interest of the child. 1177

(2) Prior to the final disposition of a case subject to 1178
division (B)(1) of this section, the court shall do both of the 1179
following: 1180

(a) Issue an order pursuant to Chapters 3119. to 3125. of 1181
the Revised Code requiring the parents, guardian, or person 1182
charged with the child's support to pay support for the child. 1183

(b) Issue an order requiring the parents, guardian, or 1184
person charged with the child's support to continue to maintain 1185
any health insurance coverage for the child that existed at the 1186

time of the filing of the complaint, petition, writ, or other 1187
document, or to obtain health insurance coverage in accordance 1188
with sections 3119.29 to 3119.56 of the Revised Code. 1189

(C) (1) A court may issue an order pursuant to division (B) 1190
of this section upon its own motion or if a party files a 1191
written motion or makes an oral motion requesting the issuance 1192
of the order and stating the reasons for it. Any notice sent by 1193
the court as a result of a motion pursuant to this division 1194
shall contain a notice that any party to a juvenile proceeding 1195
has the right to be represented by counsel and to have appointed 1196
counsel if the person is indigent. 1197

(2) If a child is taken into custody pursuant to section 1198
2151.31 of the Revised Code and placed in shelter care, the 1199
public children services agency or private child placing agency 1200
with which the child is placed in shelter care shall file or 1201
make a motion as described in division (C) (1) of this section 1202
before the end of the next day immediately after the date on 1203
which the child was taken into custody and, at a minimum, shall 1204
request an order for temporary custody under division (B) (1) (a) 1205
of this section. 1206

(3) A court that issues an order pursuant to division (B) 1207
(1) (b) of this section shall comply with section 2151.419 of the 1208
Revised Code. 1209

(D) The court may grant an ex parte order upon its own 1210
motion or a motion filed or made pursuant to division (C) of 1211
this section requesting such an order if it appears to the court 1212
that the best interest and the welfare of the child require that 1213
the court issue the order immediately. The court, if acting on 1214
its own motion, or the person requesting the granting of an ex 1215
parte order, to the extent possible, shall give notice of its 1216

intent or of the request to the parents, guardian, or custodian 1217
of the child who is the subject of the request. If the court 1218
issues an ex parte order, the court shall hold a hearing to 1219
review the order within seventy-two hours after it is issued or 1220
before the end of the next day after the day on which it is 1221
issued, whichever occurs first. The court shall give written 1222
notice of the hearing to all parties to the action and shall 1223
appoint a guardian ad litem for the child prior to the hearing. 1224

The written notice shall be given by all means that are 1225
reasonably likely to result in the party receiving actual notice 1226
and shall include all of the following: 1227

(1) The date, time, and location of the hearing; 1228

(2) The issues to be addressed at the hearing; 1229

(3) A statement that every party to the hearing has a 1230
right to counsel and to court-appointed counsel, if the party is 1231
indigent; 1232

(4) The name, telephone number, and address of the person 1233
requesting the order; 1234

(5) A copy of the order, except when it is not possible to 1235
obtain it because of the exigent circumstances in the case. 1236

If the court does not grant an ex parte order pursuant to 1237
a motion filed or made pursuant to division (C) of this section 1238
or its own motion, the court shall hold a shelter care hearing 1239
on the motion within ten days after the motion is filed. The 1240
court shall give notice of the hearing to all affected parties 1241
in the same manner as set forth in the Juvenile Rules. 1242

(E) The court, pending the outcome of the adjudicatory and 1243
dispositional hearings, shall not issue an order granting 1244

temporary custody of a child to a public children services 1245
agency or private child placing agency pursuant to this section, 1246
unless the court determines and specifically states in the order 1247
that the continued residence of the child in the child's current 1248
home will be contrary to the child's best interest and welfare 1249
and the court complies with section 2151.419 of the Revised 1250
Code. 1251

(F) Each public children services agency and private child 1252
placing agency that receives temporary custody of a child 1253
pursuant to this section shall exercise due diligence to 1254
identify and provide notice to all adult grandparents and other 1255
adult relatives of the child, including any adult relatives 1256
suggested by the parents, within thirty days of the child's 1257
removal from the custody of the child's parents, in accordance 1258
with 42 U.S.C. 671(a)(29). The agency shall also maintain in the 1259
child's case record written documentation that it has placed the 1260
child, to the extent that it is consistent with the best 1261
interest, welfare, and special needs of the child, in the most 1262
family-like setting available and in close proximity to the home 1263
of the parents, custodian, or guardian of the child. 1264

(G) For good cause shown, any court order that is issued 1265
pursuant to this section may be reviewed by the court at any 1266
time upon motion of any party to the action or upon the motion 1267
of the court. 1268

(H) (1) Pending the hearing of a complaint filed under 1269
section 2151.27 of the Revised Code or a motion filed or made 1270
under division (B) of this section and the service of citations, 1271
a public children services agency may request that the 1272
superintendent of the bureau of criminal identification and 1273
investigation conduct a criminal records check with respect to 1274

each parent, guardian, custodian, prospective custodian, or 1275
prospective placement whose actions resulted in a temporary 1276
disposition under division (A) of this section. The public 1277
children services agency may request that the superintendent 1278
obtain information from the federal bureau of investigation as 1279
part of the criminal records check of each parent, guardian, 1280
custodian, prospective custodian, or prospective placement. 1281

(2) Each public children services agency authorized by 1282
division (H) of this section to request a criminal records check 1283
shall do both of the following: 1284

(a) Provide to each parent, guardian, custodian, 1285
prospective custodian, or prospective placement for whom a 1286
criminal records check is requested a copy of the form 1287
prescribed pursuant to division (C)(1) of section 109.572 of the 1288
Revised Code and a standard fingerprint impression sheet 1289
prescribed pursuant to division (C)(2) of that section and 1290
obtain the completed form and impression sheet from the parent, 1291
guardian, custodian, prospective custodian, or prospective 1292
placement; 1293

(b) Forward the completed form and impression sheet to the 1294
superintendent of the bureau of criminal identification and 1295
investigation. 1296

(3) A parent, guardian, custodian, prospective custodian, 1297
or prospective placement who is given a form and fingerprint 1298
impression sheet under division (H)(2)(a) of this section and 1299
who fails to complete the form or provide fingerprint 1300
impressions may be held in contempt of court. 1301

Sec. 2151.90. (A) As used in sections 2151.90 to 2151.9011 1302
of the Revised Code: 1303

(1) "Host family" means any individual who provides care 1304
in the individual's private residence for a child or single- 1305
family group, at the request of the child's ~~custodial parents,~~ 1306
designated parent and legal custodian, guardian, or legal 1307
custodian, under a host family agreement. The individual also 1308
may provide care for the individual's own child or children. The 1309
term "host family" excludes a foster home. 1310

(2) "Qualified organization" means a private association, 1311
organization, corporation, nonprofit, or other entity that is 1312
not a Title IV-E reimbursable setting and that has established a 1313
program that does all of the following: 1314

(a) Provides resources and services to assist, support, 1315
and educate parents, host families, children, or any person 1316
hosting a child under a host family agreement on a temporary 1317
basis; 1318

(b) Requires a criminal records check on the intended host 1319
family and all adults residing in the host family's household; 1320

(c) Requires a background check in the central registry of 1321
abuse and neglect of this state from the department of children 1322
and youth for the intended host family and all adults residing 1323
in the host family's household; 1324

(d) Ensures that the host family is trained on the rights, 1325
duties, responsibilities, and limitations as outlined in the 1326
host family agreement; 1327

(e) Conduct in-home supervision of a child who is the 1328
subject of the host family agreement while the agreement is in 1329
force as follows: 1330

(i) For hostings of fewer than thirty days, within two 1331
business days of placement and then at least once a week 1332

thereafter; 1333

(ii) For hostings of thirty days but less than ninety 1334
days, within two business days of placement and then twice a 1335
month; 1336

(iii) For hostings of ninety days or more, within two 1337
business days of placement and then an option for less frequent 1338
supervision, as determined in accordance with the best interests 1339
of the child. 1340

(f) Plans for the return of the child who is the subject 1341
of the host family agreement to the child's parents, guardian, 1342
or legal custodian. 1343

"Qualified organization" excludes any entity that accepts 1344
public money intended for foster care or kinship care funding or 1345
the placement of children by a public children services agency, 1346
private noncustodial agency, or private child placing agency. 1347

(3) "Temporary basis" means a period of time not to exceed 1348
one year, except as provided in section 2151.901 of the Revised 1349
Code. 1350

(B) A child may be hosted by a host family only when all 1351
of the following conditions are satisfied: 1352

(1) The hosting is done on a temporary basis. 1353

(2) The hosting is done under a host family agreement 1354
entered into with a qualified organization's assistance. 1355

(3) Either one or both of the child's parents, or the 1356
child's guardian or legal custodian, are incarcerated, 1357
incapacitated, receiving medical, psychiatric, or psychological 1358
treatment, on active military service, or subject to other 1359
circumstances under which the hosting is appropriate. 1360

(4) The host family provides care only to that child or 1361
only to a single-family group, in addition to the host family's 1362
own child or children if applicable. 1363

Sec. 2301.03. (A) In Franklin county, the judges of the 1364
court of common pleas whose terms begin on January 1, 1953, 1365
January 2, 1953, January 5, 1969, January 5, 1977, January 2, 1366
1997, January 9, 2019, and January 3, 2021, and successors, 1367
shall have the same qualifications, exercise the same powers and 1368
jurisdiction, and receive the same compensation as other judges 1369
of the court of common pleas of Franklin county and shall be 1370
elected and designated as judges of the court of common pleas, 1371
division of domestic relations. They shall have all the powers 1372
relating to juvenile courts, and all cases under Chapters 2151. 1373
and 2152. of the Revised Code, all parentage proceedings under 1374
Chapter 3111. of the Revised Code over which the juvenile court 1375
has jurisdiction, and all divorce, dissolution of marriage, 1376
legal separation, and annulment cases shall be assigned to them. 1377
In addition to the judge's regular duties, the judge who is 1378
senior in point of service shall serve on the children services 1379
board and the county advisory board and shall be the 1380
administrator of the domestic relations division and its 1381
subdivisions and departments. 1382

(B) In Hamilton county: 1383

(1) The judge of the court of common pleas, whose term 1384
begins on January 1, 1957, and successors, and the judge of the 1385
court of common pleas, whose term begins on February 14, 1967, 1386
and successors, shall be the juvenile judges as provided in 1387
Chapters 2151. and 2152. of the Revised Code, with the powers 1388
and jurisdiction conferred by those chapters. 1389

(2) The judges of the court of common pleas whose terms 1390

begin on January 5, 1957, January 16, 1981, and July 1, 1991, 1391
and successors, shall be elected and designated as judges of the 1392
court of common pleas, division of domestic relations, and shall 1393
have assigned to them all divorce, dissolution of marriage, 1394
legal separation, and annulment cases coming before the court. 1395
On or after the first day of July and before the first day of 1396
August of 1991 and each year thereafter, a majority of the 1397
judges of the division of domestic relations shall elect one of 1398
the judges of the division as administrative judge of that 1399
division. If a majority of the judges of the division of 1400
domestic relations are unable for any reason to elect an 1401
administrative judge for the division before the first day of 1402
August, a majority of the judges of the Hamilton county court of 1403
common pleas, as soon as possible after that date, shall elect 1404
one of the judges of the division of domestic relations as 1405
administrative judge of that division. The term of the 1406
administrative judge shall begin on the earlier of the first day 1407
of August of the year in which the administrative judge is 1408
elected or the date on which the administrative judge is elected 1409
by a majority of the judges of the Hamilton county court of 1410
common pleas and shall terminate on the date on which the 1411
administrative judge's successor is elected in the following 1412
year. 1413

In addition to the judge's regular duties, the 1414
administrative judge of the division of domestic relations shall 1415
be the administrator of the domestic relations division and its 1416
subdivisions and departments and shall have charge of the 1417
employment, assignment, and supervision of the personnel of the 1418
division engaged in handling, servicing, or investigating 1419
divorce, dissolution of marriage, legal separation, and 1420
annulment cases, including any referees considered necessary by 1421

the judges in the discharge of their various duties. 1422

The administrative judge of the division of domestic 1423
relations also shall designate the title, compensation, expense 1424
allowances, hours, leaves of absence, and vacations of the 1425
personnel of the division, and shall fix the duties of its 1426
personnel. The duties of the personnel, in addition to those 1427
provided for in other sections of the Revised Code, shall 1428
include the handling, servicing, and investigation of divorce, 1429
dissolution of marriage, legal separation, and annulment cases 1430
and counseling and conciliation services that may be made 1431
available to persons requesting them, whether or not the persons 1432
are parties to an action pending in the division. 1433

The board of county commissioners shall appropriate the 1434
sum of money each year as will meet all the administrative 1435
expenses of the division of domestic relations, including 1436
reasonable expenses of the domestic relations judges and the 1437
division counselors and other employees designated to conduct 1438
the handling, servicing, and investigation of divorce, 1439
dissolution of marriage, legal separation, and annulment cases, 1440
conciliation and counseling, and all matters relating to those 1441
cases and counseling, and the expenses involved in the 1442
attendance of division personnel at domestic relations and 1443
welfare conferences designated by the division, and the further 1444
sum each year as will provide for the adequate operation of the 1445
division of domestic relations. 1446

The compensation and expenses of all employees and the 1447
salary and expenses of the judges shall be paid by the county 1448
treasurer from the money appropriated for the operation of the 1449
division, upon the warrant of the county auditor, certified to 1450
by the administrative judge of the division of domestic 1451

relations. 1452

The summonses, warrants, citations, subpoenas, and other 1453
writs of the division may issue to a bailiff, constable, or 1454
staff investigator of the division or to the sheriff of any 1455
county or any marshal, constable, or police officer, and the 1456
provisions of law relating to the subpoenaing of witnesses in 1457
other cases shall apply insofar as they are applicable. When a 1458
summons, warrant, citation, subpoena, or other writ is issued to 1459
an officer, other than a bailiff, constable, or staff 1460
investigator of the division, the expense of serving it shall be 1461
assessed as a part of the costs in the case involved. 1462

(3) The judge of the court of common pleas of Hamilton 1463
county whose term begins on January 3, 1997, and the successors 1464
to that judge shall each be elected and designated as the drug 1465
court judge of the court of common pleas of Hamilton county. 1466

Eligibility for admission of a case into the drug court 1467
shall be set forth in a local rule adopted by the court of 1468
common pleas of Hamilton county. The local rule specifying 1469
eligibility shall not permit referral to the drug court of a 1470
case that involves a felony of the first or second degree, a 1471
violation of any prohibition contained in Chapter 2907. of the 1472
Revised Code that is a felony of the third degree, or a 1473
violation of section 2903.01 or 2903.02 of the Revised Code. 1474

(4) If the administrative judge of the court of common 1475
pleas of Hamilton county determines that the volume of cases 1476
pending before the drug court judge does not constitute a 1477
sufficient caseload for the drug court judge, the administrative 1478
judge, in accordance with the Rules of Superintendence for 1479
Courts of Common Pleas, shall assign individual cases to the 1480
drug court judge from the general docket of the court. If the 1481

assignments so occur, the administrative judge shall cease the 1482
assignments when the administrative judge determines that the 1483
volume of cases pending before the drug court judge constitutes 1484
a sufficient caseload for the drug court judge. 1485

(C) (1) In Lorain county: 1486

(a) The judges of the court of common pleas whose terms 1487
begin on January 3, 1959, January 4, 1989, and January 2, 1999, 1488
and successors, and the judge of the court of common pleas whose 1489
term begins on February 9, 2009, shall have the same 1490
qualifications, exercise the same powers and jurisdiction, and 1491
receive the same compensation as the other judges of the court 1492
of common pleas of Lorain county and shall be elected and 1493
designated as the judges of the court of common pleas, division 1494
of domestic relations. The judges of the court of common pleas 1495
whose terms begin on January 3, 1959, January 4, 1989, and 1496
January 2, 1999, and successors, shall have all of the powers 1497
relating to juvenile courts, and all cases under Chapters 2151. 1498
and 2152. of the Revised Code, all parentage proceedings over 1499
which the juvenile court has jurisdiction, and all divorce, 1500
dissolution of marriage, legal separation, and annulment cases 1501
shall be assigned to them, except cases that for some special 1502
reason are assigned to some other judge of the court of common 1503
pleas. From February 9, 2009, through September 28, 2009, the 1504
judge of the court of common pleas whose term begins on February 1505
9, 2009, shall have all the powers relating to juvenile courts, 1506
and cases under Chapters 2151. and 2152. of the Revised Code, 1507
parentage proceedings over which the juvenile court has 1508
jurisdiction, and divorce, dissolution of marriage, legal 1509
separation, and annulment cases shall be assigned to that judge, 1510
except cases that for some special reason are assigned to some 1511
other judge of the court of common pleas. 1512

(b) From January 1, 2006, through September 28, 2009, the judges of the court of common pleas, division of domestic relations, in addition to the powers and jurisdiction set forth in division (C) (1) (a) of this section, shall have jurisdiction over matters that are within the jurisdiction of the probate court under Chapter 2101. and other provisions of the Revised Code.

(c) The judge of the court of common pleas, division of domestic relations, whose term begins on February 9, 2009, is the successor to the probate judge who was elected in 2002 for a term that began on February 9, 2003. After September 28, 2009, the judge of the court of common pleas, division of domestic relations, whose term begins on February 9, 2009, shall be the probate judge.

(2) (a) From February 9, 2009, through September 28, 2009, with respect to Lorain county, all references in law to the probate court shall be construed as references to the court of common pleas, division of domestic relations, and all references to the probate judge shall be construed as references to the judges of the court of common pleas, division of domestic relations.

(b) From February 9, 2009, through September 28, 2009, with respect to Lorain county, all references in law to the clerk of the probate court shall be construed as references to the judge who is serving pursuant to Rule 4 of the Rules of Superintendence for the Courts of Ohio as the administrative judge of the court of common pleas, division of domestic relations.

(D) In Lucas county:

(1) The judges of the court of common pleas whose terms 1542
begin on January 1, 1955, and January 3, 1965, and successors, 1543
shall have the same qualifications, exercise the same powers and 1544
jurisdiction, and receive the same compensation as other judges 1545
of the court of common pleas of Lucas county and shall be 1546
elected and designated as judges of the court of common pleas, 1547
division of domestic relations. All divorce, dissolution of 1548
marriage, legal separation, and annulment cases shall be 1549
assigned to them. 1550

The judge of the division of domestic relations, senior in 1551
point of service, shall be considered as the presiding judge of 1552
the court of common pleas, division of domestic relations, and 1553
shall be charged exclusively with the assignment and division of 1554
the work of the division and the employment and supervision of 1555
all other personnel of the domestic relations division. 1556

(2) The judges of the court of common pleas whose terms 1557
begin on January 5, 1977, and January 2, 1991, and successors 1558
shall have the same qualifications, exercise the same powers and 1559
jurisdiction, and receive the same compensation as other judges 1560
of the court of common pleas of Lucas county, shall be elected 1561
and designated as judges of the court of common pleas, juvenile 1562
division, and shall be the juvenile judges as provided in 1563
Chapters 2151. and 2152. of the Revised Code with the powers and 1564
jurisdictions conferred by those chapters. In addition to the 1565
judge's regular duties, the judge of the court of common pleas, 1566
juvenile division, senior in point of service, shall be the 1567
administrator of the juvenile division and its subdivisions and 1568
departments and shall have charge of the employment, assignment, 1569
and supervision of the personnel of the division engaged in 1570
handling, servicing, or investigating juvenile cases, including 1571
any referees considered necessary by the judges of the division 1572

in the discharge of their various duties. 1573

The judge of the court of common pleas, juvenile division, 1574
senior in point of service, also shall designate the title, 1575
compensation, expense allowance, hours, leaves of absence, and 1576
vacation of the personnel of the division and shall fix the 1577
duties of the personnel of the division. The duties of the 1578
personnel, in addition to other statutory duties include the 1579
handling, servicing, and investigation of juvenile cases and 1580
counseling and conciliation services that may be made available 1581
to persons requesting them, whether or not the persons are 1582
parties to an action pending in the division. 1583

(3) If one of the judges of the court of common pleas, 1584
division of domestic relations, or one of the judges of the 1585
juvenile division is sick, absent, or unable to perform that 1586
judge's judicial duties or the volume of cases pending in that 1587
judge's division necessitates it, the duties shall be performed 1588
by the judges of the other of those divisions. 1589

(E) In Mahoning county: 1590

(1) The judge of the court of common pleas whose term 1591
began on January 1, 1955, and successors, shall have the same 1592
qualifications, exercise the same powers and jurisdiction, and 1593
receive the same compensation as other judges of the court of 1594
common pleas of Mahoning county, shall be elected and designated 1595
as judge of the court of common pleas, division of domestic 1596
relations, and shall be assigned all the divorce, dissolution of 1597
marriage, legal separation, and annulment cases coming before 1598
the court. In addition to the judge's regular duties, the judge 1599
of the court of common pleas, division of domestic relations, 1600
shall be the administrator of the domestic relations division 1601
and its subdivisions and departments and shall have charge of 1602

the employment, assignment, and supervision of the personnel of 1603
the division engaged in handling, servicing, or investigating 1604
divorce, dissolution of marriage, legal separation, and 1605
annulment cases, including any referees considered necessary in 1606
the discharge of the various duties of the judge's office. 1607

The judge also shall designate the title, compensation, 1608
expense allowances, hours, leaves of absence, and vacations of 1609
the personnel of the division and shall fix the duties of the 1610
personnel of the division. The duties of the personnel, in 1611
addition to other statutory duties, include the handling, 1612
servicing, and investigation of divorce, dissolution of 1613
marriage, legal separation, and annulment cases and counseling 1614
and conciliation services that may be made available to persons 1615
requesting them, whether or not the persons are parties to an 1616
action pending in the division. 1617

(2) The judge of the court of common pleas whose term 1618
began on January 2, 1969, and successors, shall have the same 1619
qualifications, exercise the same powers and jurisdiction, and 1620
receive the same compensation as other judges of the court of 1621
common pleas of Mahoning county, shall be elected and designated 1622
as judge of the court of common pleas, juvenile division, and 1623
shall be the juvenile judge as provided in Chapters 2151. and 1624
2152. of the Revised Code, with the powers and jurisdictions 1625
conferred by those chapters. In addition to the judge's regular 1626
duties, the judge of the court of common pleas, juvenile 1627
division, shall be the administrator of the juvenile division 1628
and its subdivisions and departments and shall have charge of 1629
the employment, assignment, and supervision of the personnel of 1630
the division engaged in handling, servicing, or investigating 1631
juvenile cases, including any referees considered necessary by 1632
the judge in the discharge of the judge's various duties. 1633

The judge also shall designate the title, compensation, 1634
expense allowances, hours, leaves of absence, and vacation of 1635
the personnel of the division and shall fix the duties of the 1636
personnel of the division. The duties of the personnel, in 1637
addition to other statutory duties, include the handling, 1638
servicing, and investigation of juvenile cases and counseling 1639
and conciliation services that may be made available to persons 1640
requesting them, whether or not the persons are parties to an 1641
action pending in the division. 1642

(3) If a judge of the court of common pleas, division of 1643
domestic relations or juvenile division, is sick, absent, or 1644
unable to perform that judge's judicial duties, or the volume of 1645
cases pending in that judge's division necessitates it, that 1646
judge's duties shall be performed by another judge of the court 1647
of common pleas. 1648

(F) In Montgomery county: 1649

(1) The judges of the court of common pleas whose terms 1650
begin on January 2, 1953, and January 4, 1977, and successors, 1651
shall have the same qualifications, exercise the same powers and 1652
jurisdiction, and receive the same compensation as other judges 1653
of the court of common pleas of Montgomery county and shall be 1654
elected and designated as judges of the court of common pleas, 1655
division of domestic relations. These judges shall have assigned 1656
to them all divorce, dissolution of marriage, legal separation, 1657
and annulment cases. 1658

The judge of the division of domestic relations, senior in 1659
point of service, shall be charged exclusively with the 1660
assignment and division of the work of the division and shall 1661
have charge of the employment and supervision of the personnel 1662
of the division engaged in handling, servicing, or investigating 1663

divorce, dissolution of marriage, legal separation, and 1664
annulment cases, including any necessary referees, except those 1665
employees who may be appointed by the judge, junior in point of 1666
service, under this section and sections 2301.12 and 2301.18 of 1667
the Revised Code. The judge of the division of domestic 1668
relations, senior in point of service, also shall designate the 1669
title, compensation, expense allowances, hours, leaves of 1670
absence, and vacation of the personnel of the division and shall 1671
fix their duties. 1672

(2) The judges of the court of common pleas whose terms 1673
begin on January 1, 1953, and January 1, 1993, and successors, 1674
shall have the same qualifications, exercise the same powers and 1675
jurisdiction, and receive the same compensation as other judges 1676
of the court of common pleas of Montgomery county, shall be 1677
elected and designated as judges of the court of common pleas, 1678
juvenile division, and shall be, and have the powers and 1679
jurisdiction of, the juvenile judge as provided in Chapters 1680
2151. and 2152. of the Revised Code. 1681

In addition to the judge's regular duties, the judge of 1682
the court of common pleas, juvenile division, senior in point of 1683
service, shall be the administrator of the juvenile division and 1684
its subdivisions and departments and shall have charge of the 1685
employment, assignment, and supervision of the personnel of the 1686
juvenile division, including any necessary referees, who are 1687
engaged in handling, servicing, or investigating juvenile cases. 1688
The judge, senior in point of service, also shall designate the 1689
title, compensation, expense allowances, hours, leaves of 1690
absence, and vacation of the personnel of the division and shall 1691
fix their duties. The duties of the personnel, in addition to 1692
other statutory duties, shall include the handling, servicing, 1693
and investigation of juvenile cases and of any counseling and 1694

conciliation services that are available upon request to 1695
persons, whether or not they are parties to an action pending in 1696
the division. 1697

If one of the judges of the court of common pleas, 1698
division of domestic relations, or one of the judges of the 1699
court of common pleas, juvenile division, is sick, absent, or 1700
unable to perform that judge's duties or the volume of cases 1701
pending in that judge's division necessitates it, the duties of 1702
that judge may be performed by the judge or judges of the other 1703
of those divisions. 1704

(G) In Richland county: 1705

(1) The judge of the court of common pleas whose term 1706
begins on January 1, 1957, and successors, shall have the same 1707
qualifications, exercise the same powers and jurisdiction, and 1708
receive the same compensation as the other judges of the court 1709
of common pleas of Richland county and shall be elected and 1710
designated as judge of the court of common pleas, division of 1711
domestic relations. That judge shall be assigned and hear all 1712
divorce, dissolution of marriage, legal separation, and 1713
annulment cases, all domestic violence cases arising under 1714
section 3113.31 of the Revised Code, and all post-decree 1715
proceedings arising from any case pertaining to any of those 1716
matters. The division of domestic relations has concurrent 1717
jurisdiction with the juvenile division of the court of common 1718
pleas of Richland county to determine the care, custody, or 1719
control of any child not a ward of another court of this state, 1720
and to hear and determine a request for an order for the support 1721
of any child if the request is not ancillary to an action for 1722
divorce, dissolution of marriage, annulment, or legal 1723
separation, a criminal or civil action involving an allegation 1724

of domestic violence, or an action for support brought under 1725
Chapter 3115. of the Revised Code. Except in cases that are 1726
subject to the exclusive original jurisdiction of the juvenile 1727
court, the judge of the division of domestic relations shall be 1728
assigned and hear all cases pertaining to paternity or 1729
parentage, the care, custody, or control of children, ~~parenting-~~ 1730
~~time-companionship~~ or visitation, child support, or the 1731
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 1732
~~the care of children under a parenting plan,~~ all proceedings 1733
arising under Chapter 3111. of the Revised Code, all proceedings 1734
arising under the uniform interstate family support act 1735
contained in Chapter 3115. of the Revised Code, and all post- 1736
decree proceedings arising from any case pertaining to any of 1737
those matters. 1738

In addition to the judge's regular duties, the judge of 1739
the court of common pleas, division of domestic relations, shall 1740
be the administrator of the domestic relations division and its 1741
subdivisions and departments. The judge shall have charge of the 1742
employment, assignment, and supervision of the personnel of the 1743
domestic relations division, including any magistrates the judge 1744
considers necessary for the discharge of the judge's duties. The 1745
judge shall also designate the title, compensation, expense 1746
allowances, hours, leaves of absence, vacation, and other 1747
employment-related matters of the personnel of the division and 1748
shall fix their duties. 1749

(2) The judge of the court of common pleas whose term 1750
begins on January 3, 2005, and successors, shall have the same 1751
qualifications, exercise the same powers and jurisdiction, and 1752
receive the same compensation as other judges of the court of 1753
common pleas of Richland county, shall be elected and designated 1754
as judge of the court of common pleas, juvenile division, and 1755

shall be, and have the powers and jurisdiction of, the juvenile 1756
judge as provided in Chapters 2151. and 2152. of the Revised 1757
Code. Except in cases that are subject to the exclusive original 1758
jurisdiction of the juvenile court, the judge of the juvenile 1759
division shall not have jurisdiction or the power to hear, and 1760
shall not be assigned, any case pertaining to paternity or 1761
parentage, the care, custody, or control of children, ~~parenting-~~ 1762
~~time companionship~~ or visitation, child support, or the 1763
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 1764
~~the care of children under a parenting plan~~ or any post-decree 1765
proceeding arising from any case pertaining to any of those 1766
matters. The judge of the juvenile division shall not have 1767
jurisdiction or the power to hear, and shall not be assigned, 1768
any proceeding under the uniform interstate family support act 1769
contained in Chapter 3115. of the Revised Code. 1770

In addition to the judge's regular duties, the judge of 1771
the juvenile division shall be the administrator of the juvenile 1772
division and its subdivisions and departments. The judge shall 1773
have charge of the employment, assignment, and supervision of 1774
the personnel of the juvenile division who are engaged in 1775
handling, servicing, or investigating juvenile cases, including 1776
any magistrates whom the judge considers necessary for the 1777
discharge of the judge's various duties. 1778

The judge of the juvenile division also shall designate 1779
the title, compensation, expense allowances, hours, leaves of 1780
absence, and vacation of the personnel of the division and shall 1781
fix their duties. The duties of the personnel, in addition to 1782
other statutory duties, include the handling, servicing, and 1783
investigation of juvenile cases and providing any counseling, 1784
conciliation, and mediation services that the court makes 1785
available to persons, whether or not the persons are parties to 1786

an action pending in the court, who request the services. 1787

(H) (1) In Stark county, the judges of the court of common 1788
pleas whose terms begin on January 1, 1953, January 2, 1959, and 1789
January 1, 1993, and successors, shall have the same 1790
qualifications, exercise the same powers and jurisdiction, and 1791
receive the same compensation as other judges of the court of 1792
common pleas of Stark county and shall be elected and designated 1793
as judges of the court of common pleas, family court division. 1794
They shall have all the powers relating to juvenile courts, and 1795
all cases under Chapters 2151. and 2152. of the Revised Code, 1796
all parentage proceedings over which the juvenile court has 1797
jurisdiction, and all divorce, dissolution of marriage, legal 1798
separation, and annulment cases, except cases that are assigned 1799
to some other judge of the court of common pleas for some 1800
special reason, shall be assigned to the judges. 1801

(2) The judge of the family court division, second most 1802
senior in point of service, shall have charge of the employment 1803
and supervision of the personnel of the division engaged in 1804
handling, servicing, or investigating divorce, dissolution of 1805
marriage, legal separation, and annulment cases, and necessary 1806
referees required for the judge's respective court. 1807

(3) The judge of the family court division, senior in 1808
point of service, shall be charged exclusively with the 1809
administration of sections 2151.13, 2151.16, 2151.17, and 1810
2152.71 of the Revised Code and with the assignment and division 1811
of the work of the division and the employment and supervision 1812
of all other personnel of the division, including, but not 1813
limited to, that judge's necessary referees, but excepting those 1814
employees who may be appointed by the judge second most senior 1815
in point of service. The senior judge further shall serve in 1816

every other position in which the statutes permit or require a 1817
juvenile judge to serve. 1818

(4) On and after September 29, 2015, all references in law 1819
to "the division of domestic relations," "the domestic relations 1820
division," "the domestic relations court," "the judge of the 1821
division of domestic relations," or "the judge of the domestic 1822
relations division" shall be construed, with respect to Stark 1823
county, as being references to "the family court division" or 1824
"the judge of the family court division." 1825

(I) In Summit county: 1826

(1) The judges of the court of common pleas whose terms 1827
begin on January 4, 1967, and January 6, 1993, and successors, 1828
shall have the same qualifications, exercise the same powers and 1829
jurisdiction, and receive the same compensation as other judges 1830
of the court of common pleas of Summit county and shall be 1831
elected and designated as judges of the court of common pleas, 1832
division of domestic relations. The judges of the division of 1833
domestic relations shall have assigned to them and hear all 1834
divorce, dissolution of marriage, legal separation, and 1835
annulment cases that come before the court. Except in cases that 1836
are subject to the exclusive original jurisdiction of the 1837
juvenile court, the judges of the division of domestic relations 1838
shall have assigned to them and hear all cases pertaining to 1839
paternity, custody, companionship or visitation, child support, 1840
or the allocation of parental rights and parenting 1841
responsibilities ~~for the care of children under a parenting plan~~ 1842
and all post-decree proceedings arising from any case pertaining 1843
to any of those matters. The judges of the division of domestic 1844
relations shall have assigned to them and hear all proceedings 1845
under the uniform interstate family support act contained in 1846

Chapter 3115. of the Revised Code. 1847

The judge of the division of domestic relations, senior in 1848
point of service, shall be the administrator of the domestic 1849
relations division and its subdivisions and departments and 1850
shall have charge of the employment, assignment, and supervision 1851
of the personnel of the division, including any necessary 1852
referees, who are engaged in handling, servicing, or 1853
investigating divorce, dissolution of marriage, legal 1854
separation, and annulment cases. That judge also shall designate 1855
the title, compensation, expense allowances, hours, leaves of 1856
absence, and vacations of the personnel of the division and 1857
shall fix their duties. The duties of the personnel, in addition 1858
to other statutory duties, shall include the handling, 1859
servicing, and investigation of divorce, dissolution of 1860
marriage, legal separation, and annulment cases and of any 1861
counseling and conciliation services that are available upon 1862
request to all persons, whether or not they are parties to an 1863
action pending in the division. 1864

(2) The judge of the court of common pleas whose term 1865
begins on January 1, 1955, and successors, shall have the same 1866
qualifications, exercise the same powers and jurisdiction, and 1867
receive the same compensation as other judges of the court of 1868
common pleas of Summit county, shall be elected and designated 1869
as judge of the court of common pleas, juvenile division, and 1870
shall be, and have the powers and jurisdiction of, the juvenile 1871
judge as provided in Chapters 2151. and 2152. of the Revised 1872
Code. Except in cases that are subject to the exclusive original 1873
jurisdiction of the juvenile court, the judge of the juvenile 1874
division shall not have jurisdiction or the power to hear, and 1875
shall not be assigned, any case pertaining to paternity, 1876
custody, companionship or visitation, child support, or the 1877

allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 1878
~~the care of children under a parenting plan~~ or any post-decree 1879
proceeding arising from any case pertaining to any of those 1880
matters. The judge of the juvenile division shall not have 1881
jurisdiction or the power to hear, and shall not be assigned, 1882
any proceeding under the uniform interstate family support act 1883
contained in Chapter 3115. of the Revised Code. 1884

The juvenile judge shall be the administrator of the 1885
juvenile division and its subdivisions and departments and shall 1886
have charge of the employment, assignment, and supervision of 1887
the personnel of the juvenile division, including any necessary 1888
referees, who are engaged in handling, servicing, or 1889
investigating juvenile cases. The judge also shall designate the 1890
title, compensation, expense allowances, hours, leaves of 1891
absence, and vacation of the personnel of the division and shall 1892
fix their duties. The duties of the personnel, in addition to 1893
other statutory duties, shall include the handling, servicing, 1894
and investigation of juvenile cases and of any counseling and 1895
conciliation services that are available upon request to 1896
persons, whether or not they are parties to an action pending in 1897
the division. 1898

(J) In Trumbull county, the judges of the court of common 1899
pleas whose terms begin on January 1, 1953, and January 2, 1977, 1900
and successors, shall have the same qualifications, exercise the 1901
same powers and jurisdiction, and receive the same compensation 1902
as other judges of the court of common pleas of Trumbull county 1903
and shall be elected and designated as judges of the court of 1904
common pleas, division of domestic relations. They shall have 1905
all the powers relating to juvenile courts, and all cases under 1906
Chapters 2151. and 2152. of the Revised Code, all parentage 1907
proceedings over which the juvenile court has jurisdiction, and 1908

all divorce, dissolution of marriage, legal separation, and 1909
annulment cases shall be assigned to them, except cases that for 1910
some special reason are assigned to some other judge of the 1911
court of common pleas. 1912

(K) In Butler county: 1913

(1) The judges of the court of common pleas whose terms 1914
begin on January 1, 1957, and January 4, 1993, and successors, 1915
shall have the same qualifications, exercise the same powers and 1916
jurisdiction, and receive the same compensation as other judges 1917
of the court of common pleas of Butler county and shall be 1918
elected and designated as judges of the court of common pleas, 1919
division of domestic relations. The judges of the division of 1920
domestic relations shall have assigned to them all divorce, 1921
dissolution of marriage, legal separation, and annulment cases 1922
coming before the court, except in cases that for some special 1923
reason are assigned to some other judge of the court of common 1924
pleas. The judges of the division of domestic relations also 1925
have concurrent jurisdiction with judges of the juvenile 1926
division of the court of common pleas of Butler county with 1927
respect to and may hear cases to determine the custody, support, 1928
or custody and support of a child who is born of issue of a 1929
marriage and who is not the ward of another court of this state, 1930
cases commenced by a party of the marriage to obtain an order 1931
requiring support of any child when the request for that order 1932
is not ancillary to an action for divorce, dissolution of 1933
marriage, annulment, or legal separation, a criminal or civil 1934
action involving an allegation of domestic violence, an action 1935
for support under Chapter 3115. of the Revised Code, or an 1936
action that is within the exclusive original jurisdiction of the 1937
juvenile division of the court of common pleas of Butler county 1938
and that involves an allegation that the child is an abused, 1939

neglected, or dependent child, and post-decree proceedings and 1940
matters arising from those types of cases. The judge senior in 1941
point of service shall be charged with the assignment and 1942
division of the work of the division and with the employment and 1943
supervision of all other personnel of the domestic relations 1944
division. 1945

The judge senior in point of service also shall designate 1946
the title, compensation, expense allowances, hours, leaves of 1947
absence, and vacations of the personnel of the division and 1948
shall fix their duties. The duties of the personnel, in addition 1949
to other statutory duties, shall include the handling, 1950
servicing, and investigation of divorce, dissolution of 1951
marriage, legal separation, and annulment cases and providing 1952
any counseling and conciliation services that the division makes 1953
available to persons, whether or not the persons are parties to 1954
an action pending in the division, who request the services. 1955

(2) The judges of the court of common pleas whose terms 1956
begin on January 3, 1987, and January 2, 2003, and successors, 1957
shall have the same qualifications, exercise the same powers and 1958
jurisdiction, and receive the same compensation as other judges 1959
of the court of common pleas of Butler county, shall be elected 1960
and designated as judges of the court of common pleas, juvenile 1961
division, and shall be the juvenile judges as provided in 1962
Chapters 2151. and 2152. of the Revised Code, with the powers 1963
and jurisdictions conferred by those chapters. Except in cases 1964
that are subject to the exclusive original jurisdiction of the 1965
juvenile court, the judges of the juvenile division shall not 1966
have jurisdiction or the power to hear and shall not be 1967
assigned, but shall have the limited ability and authority to 1968
certify, any case commenced by a party of a marriage to 1969
determine the custody, support, or custody and support of a 1970

child who is born of issue of the marriage and who is not the 1971
ward of another court of this state when the request for the 1972
order in the case is not ancillary to an action for divorce, 1973
dissolution of marriage, annulment, or legal separation. The 1974
judge of the court of common pleas, juvenile division, who is 1975
senior in point of service, shall be the administrator of the 1976
juvenile division and its subdivisions and departments. The 1977
judge, senior in point of service, shall have charge of the 1978
employment, assignment, and supervision of the personnel of the 1979
juvenile division who are engaged in handling, servicing, or 1980
investigating juvenile cases, including any referees whom the 1981
judge considers necessary for the discharge of the judge's 1982
various duties. 1983

The judge, senior in point of service, also shall 1984
designate the title, compensation, expense allowances, hours, 1985
leaves of absence, and vacation of the personnel of the division 1986
and shall fix their duties. The duties of the personnel, in 1987
addition to other statutory duties, include the handling, 1988
servicing, and investigation of juvenile cases and providing any 1989
counseling and conciliation services that the division makes 1990
available to persons, whether or not the persons are parties to 1991
an action pending in the division, who request the services. 1992

(3) If a judge of the court of common pleas, division of 1993
domestic relations or juvenile division, is sick, absent, or 1994
unable to perform that judge's judicial duties or the volume of 1995
cases pending in the judge's division necessitates it, the 1996
duties of that judge shall be performed by the other judges of 1997
the domestic relations and juvenile divisions. 1998

(L) (1) In Cuyahoga county, the judges of the court of 1999
common pleas whose terms begin on January 8, 1961, January 9, 2000

1961, January 18, 1975, January 19, 1975, and January 13, 1987, 2001
and successors, shall have the same qualifications, exercise the 2002
same powers and jurisdiction, and receive the same compensation 2003
as other judges of the court of common pleas of Cuyahoga county 2004
and shall be elected and designated as judges of the court of 2005
common pleas, division of domestic relations. They shall have 2006
all the powers relating to all divorce, dissolution of marriage, 2007
legal separation, and annulment cases, except in cases that are 2008
assigned to some other judge of the court of common pleas for 2009
some special reason. 2010

(2) The administrative judge is administrator of the 2011
domestic relations division and its subdivisions and departments 2012
and has the following powers concerning division personnel: 2013

(a) Full charge of the employment, assignment, and 2014
supervision; 2015

(b) Sole determination of compensation, duties, expenses, 2016
allowances, hours, leaves, and vacations. 2017

(3) "Division personnel" include persons employed or 2018
referees engaged in hearing, servicing, investigating, 2019
counseling, or conciliating divorce, dissolution of marriage, 2020
legal separation and annulment matters. 2021

(M) In Lake county: 2022

(1) The judge of the court of common pleas whose term 2023
begins on January 2, 1961, and successors, shall have the same 2024
qualifications, exercise the same powers and jurisdiction, and 2025
receive the same compensation as the other judges of the court 2026
of common pleas of Lake county and shall be elected and 2027
designated as judge of the court of common pleas, division of 2028
domestic relations. The judge shall be assigned all the divorce, 2029

dissolution of marriage, legal separation, and annulment cases 2030
coming before the court, except in cases that for some special 2031
reason are assigned to some other judge of the court of common 2032
pleas. The judge shall be charged with the assignment and 2033
division of the work of the division and with the employment and 2034
supervision of all other personnel of the domestic relations 2035
division. 2036

The judge also shall designate the title, compensation, 2037
expense allowances, hours, leaves of absence, and vacations of 2038
the personnel of the division and shall fix their duties. The 2039
duties of the personnel, in addition to other statutory duties, 2040
shall include the handling, servicing, and investigation of 2041
divorce, dissolution of marriage, legal separation, and 2042
annulment cases and providing any counseling and conciliation 2043
services that the division makes available to persons, whether 2044
or not the persons are parties to an action pending in the 2045
division, who request the services. 2046

(2) The judge of the court of common pleas whose term 2047
begins on January 4, 1979, and successors, shall have the same 2048
qualifications, exercise the same powers and jurisdiction, and 2049
receive the same compensation as other judges of the court of 2050
common pleas of Lake county, shall be elected and designated as 2051
judge of the court of common pleas, juvenile division, and shall 2052
be the juvenile judge as provided in Chapters 2151. and 2152. of 2053
the Revised Code, with the powers and jurisdictions conferred by 2054
those chapters. The judge of the court of common pleas, juvenile 2055
division, shall be the administrator of the juvenile division 2056
and its subdivisions and departments. The judge shall have 2057
charge of the employment, assignment, and supervision of the 2058
personnel of the juvenile division who are engaged in handling, 2059
servicing, or investigating juvenile cases, including any 2060

referees whom the judge considers necessary for the discharge of 2061
the judge's various duties. 2062

The judge also shall designate the title, compensation, 2063
expense allowances, hours, leaves of absence, and vacation of 2064
the personnel of the division and shall fix their duties. The 2065
duties of the personnel, in addition to other statutory duties, 2066
include the handling, servicing, and investigation of juvenile 2067
cases and providing any counseling and conciliation services 2068
that the division makes available to persons, whether or not the 2069
persons are parties to an action pending in the division, who 2070
request the services. 2071

(3) If a judge of the court of common pleas, division of 2072
domestic relations or juvenile division, is sick, absent, or 2073
unable to perform that judge's judicial duties or the volume of 2074
cases pending in the judge's division necessitates it, the 2075
duties of that judge shall be performed by the other judges of 2076
the domestic relations and juvenile divisions. 2077

(N) In Erie county: 2078

(1) The judge of the court of common pleas whose term 2079
begins on January 2, 1971, and the successors to that judge 2080
whose terms begin before January 2, 2007, shall have the same 2081
qualifications, exercise the same powers and jurisdiction, and 2082
receive the same compensation as the other judge of the court of 2083
common pleas of Erie county and shall be elected and designated 2084
as judge of the court of common pleas, division of domestic 2085
relations. The judge shall have all the powers relating to 2086
juvenile courts, and shall be assigned all cases under Chapters 2087
2151. and 2152. of the Revised Code, parentage proceedings over 2088
which the juvenile court has jurisdiction, and divorce, 2089
dissolution of marriage, legal separation, and annulment cases, 2090

except cases that for some special reason are assigned to some 2091
other judge. 2092

On or after January 2, 2007, the judge of the court of 2093
common pleas who is elected in 2006 shall be the successor to 2094
the judge of the domestic relations division whose term expires 2095
on January 1, 2007, shall be designated as judge of the court of 2096
common pleas, juvenile division, and shall be the juvenile judge 2097
as provided in Chapters 2151. and 2152. of the Revised Code with 2098
the powers and jurisdictions conferred by those chapters. 2099

(2) The judge of the court of common pleas, general 2100
division, whose term begins on January 1, 2005, and successors, 2101
the judge of the court of common pleas, general division whose 2102
term begins on January 2, 2005, and successors, and the judge of 2103
the court of common pleas, general division, whose term begins 2104
February 9, 2009, and successors, shall have assigned to them, 2105
in addition to all matters that are within the jurisdiction of 2106
the general division of the court of common pleas, all divorce, 2107
dissolution of marriage, legal separation, and annulment cases 2108
coming before the court, and all matters that are within the 2109
jurisdiction of the probate court under Chapter 2101., and other 2110
provisions, of the Revised Code. 2111

(0) In Greene county: 2112

(1) The judge of the court of common pleas whose term 2113
begins on January 1, 1961, and successors, shall have the same 2114
qualifications, exercise the same powers and jurisdiction, and 2115
receive the same compensation as the other judges of the court 2116
of common pleas of Greene county and shall be elected and 2117
designated as the judge of the court of common pleas, division 2118
of domestic relations. The judge shall be assigned all divorce, 2119
dissolution of marriage, legal separation, annulment, uniform 2120

reciprocal support enforcement, and domestic violence cases and 2121
all other cases related to domestic relations, except cases that 2122
for some special reason are assigned to some other judge of the 2123
court of common pleas. 2124

The judge shall be charged with the assignment and 2125
division of the work of the division and with the employment and 2126
supervision of all other personnel of the division. The judge 2127
also shall designate the title, compensation, hours, leaves of 2128
absence, and vacations of the personnel of the division and 2129
shall fix their duties. The duties of the personnel of the 2130
division, in addition to other statutory duties, shall include 2131
the handling, servicing, and investigation of divorce, 2132
dissolution of marriage, legal separation, and annulment cases 2133
and the provision of counseling and conciliation services that 2134
the division considers necessary and makes available to persons 2135
who request the services, whether or not the persons are parties 2136
in an action pending in the division. The compensation for the 2137
personnel shall be paid from the overall court budget and shall 2138
be included in the appropriations for the existing judges of the 2139
general division of the court of common pleas. 2140

(2) The judge of the court of common pleas whose term 2141
begins on January 1, 1995, and successors, shall have the same 2142
qualifications, exercise the same powers and jurisdiction, and 2143
receive the same compensation as the other judges of the court 2144
of common pleas of Greene county, shall be elected and 2145
designated as judge of the court of common pleas, juvenile 2146
division, and, on or after January 1, 1995, shall be the 2147
juvenile judge as provided in Chapters 2151. and 2152. of the 2148
Revised Code with the powers and jurisdiction conferred by those 2149
chapters. The judge of the court of common pleas, juvenile 2150
division, shall be the administrator of the juvenile division 2151

and its subdivisions and departments. The judge shall have 2152
charge of the employment, assignment, and supervision of the 2153
personnel of the juvenile division who are engaged in handling, 2154
servicing, or investigating juvenile cases, including any 2155
referees whom the judge considers necessary for the discharge of 2156
the judge's various duties. 2157

The judge also shall designate the title, compensation, 2158
expense allowances, hours, leaves of absence, and vacation of 2159
the personnel of the division and shall fix their duties. The 2160
duties of the personnel, in addition to other statutory duties, 2161
include the handling, servicing, and investigation of juvenile 2162
cases and providing any counseling and conciliation services 2163
that the court makes available to persons, whether or not the 2164
persons are parties to an action pending in the court, who 2165
request the services. 2166

(3) If one of the judges of the court of common pleas, 2167
general division, is sick, absent, or unable to perform that 2168
judge's judicial duties or the volume of cases pending in the 2169
general division necessitates it, the duties of that judge of 2170
the general division shall be performed by the judge of the 2171
division of domestic relations and the judge of the juvenile 2172
division. 2173

(P) In Portage county, the judge of the court of common 2174
pleas, whose term begins January 2, 1987, and successors, shall 2175
have the same qualifications, exercise the same powers and 2176
jurisdiction, and receive the same compensation as the other 2177
judges of the court of common pleas of Portage county and shall 2178
be elected and designated as judge of the court of common pleas, 2179
division of domestic relations. The judge shall be assigned all 2180
divorce, dissolution of marriage, legal separation, and 2181

annulment cases, all cases arising under Chapter 3111. of the 2182
Revised Code, all proceedings involving child support, the 2183
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 2184
~~the care of children under a parenting plan~~ and the designation 2185
for the children of a place of residence and legal custodian, 2186
~~parenting time~~, and companionship or visitation, all proceedings 2187
arising under the uniform interstate family support act 2188
contained in Chapter 3115. of the Revised Code, all proceedings 2189
arising under sections 3119.96 to 3119.967 of the Revised Code, 2190
all proceedings arising under the uniform child custody 2191
jurisdiction and enforcement act contained in Chapter 3127. of 2192
the Revised Code, and all post-decree proceedings and matters 2193
arising from those cases and proceedings, except in cases that 2194
for some special reason are assigned to some other judge of the 2195
court of common pleas. The judge shall be charged with the 2196
assignment and division of the work of the division and with the 2197
employment and supervision of all other personnel of the 2198
domestic relations division. 2199

The judge also shall designate the title, compensation, 2200
expense allowances, hours, leaves of absence, and vacations of 2201
the personnel of the division and shall fix their duties. The 2202
duties of the personnel, in addition to other statutory duties, 2203
shall include the handling, servicing, and investigation of 2204
divorce, dissolution of marriage, legal separation, and 2205
annulment cases, cases arising under Chapter 3111. of the 2206
Revised Code, proceedings involving child support, the 2207
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 2208
~~the care of children under a parenting plan~~ and the designation 2209
for the children of a place of residence and legal custodian, 2210
~~parenting time~~, and companionship or visitation, proceedings 2211
arising under the uniform interstate family support act 2212

contained in Chapter 3115. of the Revised Code, proceedings 2213
arising under sections 3119.96 to 3119.967 of the Revised Code, 2214
and proceedings arising under the uniform child custody 2215
jurisdiction and enforcement act contained in Chapter 3127. of 2216
the Revised Code, and providing any counseling and conciliation 2217
services that the division makes available to persons, whether 2218
or not the persons are parties to an action pending in the 2219
division, who request the services. 2220

(Q) In Clermont county, the judge of the court of common 2221
pleas, whose term begins January 2, 1987, and successors, shall 2222
have the same qualifications, exercise the same powers and 2223
jurisdiction, and receive the same compensation as the other 2224
judges of the court of common pleas of Clermont county and shall 2225
be elected and designated as judge of the court of common pleas, 2226
division of domestic relations. The judge shall be assigned all 2227
divorce, dissolution of marriage, legal separation, and 2228
annulment cases coming before the court, except in cases that 2229
for some special reason are assigned to some other judge of the 2230
court of common pleas. The judge shall be charged with the 2231
assignment and division of the work of the division and with the 2232
employment and supervision of all other personnel of the 2233
domestic relations division. 2234

The judge also shall designate the title, compensation, 2235
expense allowances, hours, leaves of absence, and vacations of 2236
the personnel of the division and shall fix their duties. The 2237
duties of the personnel, in addition to other statutory duties, 2238
shall include the handling, servicing, and investigation of 2239
divorce, dissolution of marriage, legal separation, and 2240
annulment cases and providing any counseling and conciliation 2241
services that the division makes available to persons, whether 2242
or not the persons are parties to an action pending in the 2243

division, who request the services. 2244

(R) In Warren county, the judge of the court of common 2245
pleas, whose term begins January 1, 1987, and successors, shall 2246
have the same qualifications, exercise the same powers and 2247
jurisdiction, and receive the same compensation as the other 2248
judges of the court of common pleas of Warren county and shall 2249
be elected and designated as judge of the court of common pleas, 2250
division of domestic relations. The judge shall be assigned all 2251
divorce, dissolution of marriage, legal separation, and 2252
annulment cases coming before the court, except in cases that 2253
for some special reason are assigned to some other judge of the 2254
court of common pleas. The judge shall be charged with the 2255
assignment and division of the work of the division and with the 2256
employment and supervision of all other personnel of the 2257
domestic relations division. 2258

The judge also shall designate the title, compensation, 2259
expense allowances, hours, leaves of absence, and vacations of 2260
the personnel of the division and shall fix their duties. The 2261
duties of the personnel, in addition to other statutory duties, 2262
shall include the handling, servicing, and investigation of 2263
divorce, dissolution of marriage, legal separation, and 2264
annulment cases and providing any counseling and conciliation 2265
services that the division makes available to persons, whether 2266
or not the persons are parties to an action pending in the 2267
division, who request the services. 2268

(S) In Licking county, the judges of the court of common 2269
pleas, whose terms begin on January 1, 1991, and January 1, 2270
2005, and successors, shall have the same qualifications, 2271
exercise the same powers and jurisdiction, and receive the same 2272
compensation as the other judges of the court of common pleas of 2273

Licking county and shall be elected and designated as judges of 2274
the court of common pleas, division of domestic relations. The 2275
judges shall be assigned all divorce, dissolution of marriage, 2276
legal separation, and annulment cases, all cases arising under 2277
Chapter 3111. of the Revised Code, all proceedings involving 2278
child support, the allocation of ~~parental rights and parenting~~ 2279
~~responsibilities for the care of children~~ under a parenting plan 2280
and the designation for the children of a place of residence and 2281
legal custodian, ~~parenting time, and companionship or~~ 2282
visitation, and all post-decree proceedings and matters arising 2283
from those cases and proceedings, except in cases that for some 2284
special reason are assigned to another judge of the court of 2285
common pleas. The administrative judge of the division of 2286
domestic relations shall be charged with the assignment and 2287
division of the work of the division and with the employment and 2288
supervision of the personnel of the division. 2289

The administrative judge of the division of domestic 2290
relations shall designate the title, compensation, expense 2291
allowances, hours, leaves of absence, and vacations of the 2292
personnel of the division and shall fix the duties of the 2293
personnel of the division. The duties of the personnel of the 2294
division, in addition to other statutory duties, shall include 2295
the handling, servicing, and investigation of divorce, 2296
dissolution of marriage, legal separation, and annulment cases, 2297
cases arising under Chapter 3111. of the Revised Code, and 2298
proceedings involving child support, the allocation of ~~parental-~~ 2299
~~rights and parenting~~ responsibilities for the care of children 2300
under a parenting plan and the designation for the children of a 2301
place of residence and legal custodian, ~~parenting time, and~~ 2302
companionship or visitation and providing any counseling and 2303
conciliation services that the division makes available to 2304

persons, whether or not the persons are parties to an action 2305
pending in the division, who request the services. 2306

(T) In Allen county, the judge of the court of common 2307
pleas, whose term begins January 1, 1993, and successors, shall 2308
have the same qualifications, exercise the same powers and 2309
jurisdiction, and receive the same compensation as the other 2310
judges of the court of common pleas of Allen county and shall be 2311
elected and designated as judge of the court of common pleas, 2312
division of domestic relations. The judge shall be assigned all 2313
divorce, dissolution of marriage, legal separation, and 2314
annulment cases, all cases arising under Chapter 3111. of the 2315
Revised Code, all proceedings involving child support, the 2316
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 2317
~~the care of children under a parenting plan~~ and the designation 2318
for the children of a place of residence and legal custodian, ~~—~~ 2319
~~parenting time~~, and companionship or visitation, and all post- 2320
decree proceedings and matters arising from those cases and 2321
proceedings, except in cases that for some special reason are 2322
assigned to another judge of the court of common pleas. The 2323
judge shall be charged with the assignment and division of the 2324
work of the division and with the employment and supervision of 2325
the personnel of the division. 2326

The judge shall designate the title, compensation, expense 2327
allowances, hours, leaves of absence, and vacations of the 2328
personnel of the division and shall fix the duties of the 2329
personnel of the division. The duties of the personnel of the 2330
division, in addition to other statutory duties, shall include 2331
the handling, servicing, and investigation of divorce, 2332
dissolution of marriage, legal separation, and annulment cases, 2333
cases arising under Chapter 3111. of the Revised Code, and 2334
proceedings involving child support, the allocation of ~~parental~~ 2335

~~rights and parenting responsibilities for the care of children~~ 2336
under a parenting plan and the designation for the children of a 2337
place of residence and legal custodian, ~~parenting time,~~ and 2338
companionship or visitation, and providing any counseling and 2339
conciliation services that the division makes available to 2340
persons, whether or not the persons are parties to an action 2341
pending in the division, who request the services. 2342

(U) In Medina county, the judge of the court of common 2343
pleas whose term begins January 1, 1995, and successors, shall 2344
have the same qualifications, exercise the same powers and 2345
jurisdiction, and receive the same compensation as other judges 2346
of the court of common pleas of Medina county and shall be 2347
elected and designated as judge of the court of common pleas, 2348
division of domestic relations. The judge shall be assigned all 2349
divorce, dissolution of marriage, legal separation, and 2350
annulment cases, all cases arising under Chapter 3111. of the 2351
Revised Code, all proceedings involving child support, the 2352
allocation of ~~parental rights and parenting responsibilities for~~ 2353
~~the care of children~~ under a parenting plan and the designation 2354
for the children of a place of residence and legal custodian, ~~—~~ 2355
~~parenting time,~~ and companionship or visitation, and all post- 2356
decree proceedings and matters arising from those cases and 2357
proceedings, except in cases that for some special reason are 2358
assigned to another judge of the court of common pleas. The 2359
judge shall be charged with the assignment and division of the 2360
work of the division and with the employment and supervision of 2361
the personnel of the division. 2362

The judge shall designate the title, compensation, expense 2363
allowances, hours, leaves of absence, and vacations of the 2364
personnel of the division and shall fix the duties of the 2365
personnel of the division. The duties of the personnel, in 2366

addition to other statutory duties, include the handling, 2367
servicing, and investigation of divorce, dissolution of 2368
marriage, legal separation, and annulment cases, cases arising 2369
under Chapter 3111. of the Revised Code, and proceedings 2370
involving child support, the allocation of ~~parental rights and~~ 2371
parenting responsibilities for the care of children under a 2372
parenting plan and the designation for the children of a place 2373
of residence and legal custodian, ~~parenting time~~, and 2374
companionship or visitation, and providing counseling and 2375
conciliation services that the division makes available to 2376
persons, whether or not the persons are parties to an action 2377
pending in the division, who request the services. 2378

(V) In Fairfield county, the judge of the court of common 2379
pleas whose term begins January 2, 1995, and successors, shall 2380
have the same qualifications, exercise the same powers and 2381
jurisdiction, and receive the same compensation as the other 2382
judges of the court of common pleas of Fairfield county and 2383
shall be elected and designated as judge of the court of common 2384
pleas, division of domestic relations. The judge shall be 2385
assigned all divorce, dissolution of marriage, legal separation, 2386
and annulment cases, all cases arising under Chapter 3111. of 2387
the Revised Code, all proceedings involving child support, the 2388
allocation of ~~parental rights and parenting responsibilities for~~ 2389
~~the care of children under a parenting plan~~ and the designation 2390
for the children of a place of residence and legal custodian, ~~parenting time~~, 2391
and companionship or visitation, and all post- 2392
decree proceedings and matters arising from those cases and 2393
proceedings, except in cases that for some special reason are 2394
assigned to another judge of the court of common pleas. The 2395
judge also has concurrent jurisdiction with the probate-juvenile 2396
division of the court of common pleas of Fairfield county with 2397

respect to and may hear cases to determine the custody of a 2398
child, as defined in section 2151.011 of the Revised Code, who 2399
is not the ward of another court of this state, cases that are 2400
commenced by a parent, guardian, or custodian of a child, as 2401
defined in section 2151.011 of the Revised Code, to obtain an 2402
order requiring a parent of the child to pay child support for 2403
that child when the request for that order is not ancillary to 2404
an action for divorce, dissolution of marriage, annulment, or 2405
legal separation, a criminal or civil action involving an 2406
allegation of domestic violence, an action for support under 2407
Chapter 3115. of the Revised Code, or an action that is within 2408
the exclusive original jurisdiction of the probate-juvenile 2409
division of the court of common pleas of Fairfield county and 2410
that involves an allegation that the child is an abused, 2411
neglected, or dependent child, and post-decree proceedings and 2412
matters arising from those types of cases. 2413

The judge of the domestic relations division shall be 2414
charged with the assignment and division of the work of the 2415
division and with the employment and supervision of the 2416
personnel of the division. 2417

The judge shall designate the title, compensation, expense 2418
allowances, hours, leaves of absence, and vacations of the 2419
personnel of the division and shall fix the duties of the 2420
personnel of the division. The duties of the personnel of the 2421
division, in addition to other statutory duties, shall include 2422
the handling, servicing, and investigation of divorce, 2423
dissolution of marriage, legal separation, and annulment cases, 2424
cases arising under Chapter 3111. of the Revised Code, and 2425
proceedings involving child support, the allocation of ~~parental-~~ 2426
~~rights and parenting responsibilities for the care of children-~~ 2427
under a parenting plan and the designation for the children of a 2428

place of residence and legal custodian, ~~parenting time,~~ and 2429
companionship or visitation, and providing any counseling and 2430
conciliation services that the division makes available to 2431
persons, regardless of whether the persons are parties to an 2432
action pending in the division, who request the services. When 2433
the judge hears a case to determine the custody of a child, as 2434
defined in section 2151.011 of the Revised Code, who is not the 2435
ward of another court of this state or a case that is commenced 2436
by a parent, guardian, or custodian of a child, as defined in 2437
section 2151.011 of the Revised Code, to obtain an order 2438
requiring a parent of the child to pay child support for that 2439
child when the request for that order is not ancillary to an 2440
action for divorce, dissolution of marriage, annulment, or legal 2441
separation, a criminal or civil action involving an allegation 2442
of domestic violence, an action for support under Chapter 3115. 2443
of the Revised Code, or an action that is within the exclusive 2444
original jurisdiction of the probate-juvenile division of the 2445
court of common pleas of Fairfield county and that involves an 2446
allegation that the child is an abused, neglected, or dependent 2447
child, the duties of the personnel of the domestic relations 2448
division also include the handling, servicing, and investigation 2449
of those types of cases. 2450

(W) (1) In Clark county, the judge of the court of common 2451
pleas whose term begins on January 2, 1995, and successors, 2452
shall have the same qualifications, exercise the same powers and 2453
jurisdiction, and receive the same compensation as other judges 2454
of the court of common pleas of Clark county and shall be 2455
elected and designated as judge of the court of common pleas, 2456
domestic relations division. The judge shall have all the powers 2457
relating to juvenile courts, and all cases under Chapters 2151. 2458
and 2152. of the Revised Code and all parentage proceedings 2459

under Chapter 3111. of the Revised Code over which the juvenile 2460
court has jurisdiction shall be assigned to the judge of the 2461
division of domestic relations. All divorce, dissolution of 2462
marriage, legal separation, annulment, uniform reciprocal 2463
support enforcement, and other cases related to domestic 2464
relations shall be assigned to the domestic relations division, 2465
and the presiding judge of the court of common pleas shall 2466
assign the cases to the judge of the domestic relations division 2467
and the judges of the general division. 2468

(2) In addition to the judge's regular duties, the judge 2469
of the division of domestic relations shall serve on the 2470
children services board and the county advisory board. 2471

(3) If the judge of the court of common pleas of Clark 2472
county, division of domestic relations, is sick, absent, or 2473
unable to perform that judge's judicial duties or if the 2474
presiding judge of the court of common pleas of Clark county 2475
determines that the volume of cases pending in the division of 2476
domestic relations necessitates it, the duties of the judge of 2477
the division of domestic relations shall be performed by the 2478
judges of the general division or probate division of the court 2479
of common pleas of Clark county, as assigned for that purpose by 2480
the presiding judge of that court, and the judges so assigned 2481
shall act in conjunction with the judge of the division of 2482
domestic relations of that court. 2483

(X) In Scioto county, the judge of the court of common 2484
pleas whose term begins January 2, 1995, and successors, shall 2485
have the same qualifications, exercise the same powers and 2486
jurisdiction, and receive the same compensation as other judges 2487
of the court of common pleas of Scioto county and shall be 2488
elected and designated as judge of the court of common pleas, 2489

division of domestic relations. The judge shall be assigned all 2490
divorce, dissolution of marriage, legal separation, and 2491
annulment cases, all cases arising under Chapter 3111. of the 2492
Revised Code, all proceedings involving child support, the 2493
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 2494
~~the care of children under a parenting plan~~ and the designation 2495
for the children of a place of residence and legal custodian, ~~parenting time,~~ 2496
~~companionship or visitation,~~ and all post-decree 2497
proceedings and matters arising from those cases and 2498
proceedings, except in cases that for some special reason are 2499
assigned to another judge of the court of common pleas. The 2500
judge shall be charged with the assignment and division of the 2501
work of the division and with the employment and supervision of 2502
the personnel of the division. 2503

The judge shall designate the title, compensation, expense 2504
allowances, hours, leaves of absence, and vacations of the 2505
personnel of the division and shall fix the duties of the 2506
personnel of the division. The duties of the personnel, in 2507
addition to other statutory duties, include the handling, 2508
servicing, and investigation of divorce, dissolution of 2509
marriage, legal separation, and annulment cases, cases arising 2510
under Chapter 3111. of the Revised Code, and proceedings 2511
involving child support, the allocation of ~~parental rights and~~ 2512
~~parenting~~ responsibilities ~~for the care of children under a~~ 2513
~~parenting plan~~ and the designation for the children of a place 2514
of residence and legal custodian, ~~parenting time,~~ and 2515
~~companionship or visitation,~~ and providing counseling and 2516
conciliation services that the division makes available to 2517
persons, whether or not the persons are parties to an action 2518
pending in the division, who request the services. 2519

(Y) In Auglaize county, the judge of the probate and 2520

juvenile divisions of the Auglaize county court of common pleas 2521
also shall be the administrative judge of the domestic relations 2522
division of the court and shall be assigned all divorce, 2523
dissolution of marriage, legal separation, and annulment cases 2524
coming before the court. The judge shall have all powers as 2525
administrator of the domestic relations division and shall have 2526
charge of the personnel engaged in handling, servicing, or 2527
investigating divorce, dissolution of marriage, legal 2528
separation, and annulment cases, including any referees 2529
considered necessary for the discharge of the judge's various 2530
duties. 2531

(Z) (1) In Marion county, the judge of the court of common 2532
pleas whose term begins on February 9, 1999, and the successors 2533
to that judge, shall have the same qualifications, exercise the 2534
same powers and jurisdiction, and receive the same compensation 2535
as the other judges of the court of common pleas of Marion 2536
county and shall be elected and designated as judge of the court 2537
of common pleas, domestic relations-juvenile-probate division. 2538
Except as otherwise specified in this division, that judge, and 2539
the successors to that judge, shall have all the powers relating 2540
to juvenile courts, and all cases under Chapters 2151. and 2152. 2541
of the Revised Code, all cases arising under Chapter 3111. of 2542
the Revised Code, all divorce, dissolution of marriage, legal 2543
separation, and annulment cases, all proceedings involving child 2544
support, the allocation of ~~parental rights and parenting~~ 2545
responsibilities ~~for the care of children~~ under a parenting plan 2546
and the designation for the children of a place of residence and 2547
legal custodian, ~~parenting time,~~ and companionship or 2548
visitation, and all post-decree proceedings and matters arising 2549
from those cases and proceedings shall be assigned to that judge 2550
and the successors to that judge. Except as provided in division 2551

(Z) (2) of this section and notwithstanding any other provision 2552
of any section of the Revised Code, on and after February 9, 2553
2003, the judge of the court of common pleas of Marion county 2554
whose term begins on February 9, 1999, and the successors to 2555
that judge, shall have all the powers relating to the probate 2556
division of the court of common pleas of Marion county in 2557
addition to the powers previously specified in this division, 2558
and shall exercise concurrent jurisdiction with the judge of the 2559
probate division of that court over all matters that are within 2560
the jurisdiction of the probate division of that court under 2561
Chapter 2101., and other provisions, of the Revised Code in 2562
addition to the jurisdiction of the domestic relations-juvenile- 2563
probate division of that court otherwise specified in division 2564
(Z) (1) of this section. 2565

(2) The judge of the domestic relations-juvenile-probate 2566
division of the court of common pleas of Marion county or the 2567
judge of the probate division of the court of common pleas of 2568
Marion county, whichever of those judges is senior in total 2569
length of service on the court of common pleas of Marion county, 2570
regardless of the division or divisions of service, shall serve 2571
as the clerk of the probate division of the court of common 2572
pleas of Marion county. 2573

(3) On and after February 9, 2003, all references in law 2574
to "the probate court," "the probate judge," "the juvenile 2575
court," or "the judge of the juvenile court" shall be construed, 2576
with respect to Marion county, as being references to both "the 2577
probate division" and "the domestic relations-juvenile-probate 2578
division" and as being references to both "the judge of the 2579
probate division" and "the judge of the domestic relations- 2580
juvenile-probate division." On and after February 9, 2003, all 2581
references in law to "the clerk of the probate court" shall be 2582

construed, with respect to Marion county, as being references to 2583
the judge who is serving pursuant to division (Z) (2) of this 2584
section as the clerk of the probate division of the court of 2585
common pleas of Marion county. 2586

(AA) In Muskingum county, the judge of the court of common 2587
pleas whose term begins on January 2, 2003, and successors, 2588
shall have the same qualifications, exercise the same powers and 2589
jurisdiction, and receive the same compensation as the other 2590
judges of the court of common pleas of Muskingum county and 2591
shall be elected and designated as the judge of the court of 2592
common pleas, division of domestic relations. The judge shall be 2593
assigned all divorce, dissolution of marriage, legal separation, 2594
and annulment cases, all cases arising under Chapter 3111. of 2595
the Revised Code, all proceedings involving child support, the 2596
allocation of ~~parental rights and parenting responsibilities for~~ 2597
~~the care of children~~ under a parenting plan and the designation 2598
for the children of a place of residence and legal custodian, 2599
~~parenting time,~~ and companionship or visitation, and all post- 2600
decree proceedings and matters arising from those cases and 2601
proceedings, except in cases that for some special reason are 2602
assigned to another judge of the court of common pleas. The 2603
judge shall be charged with the assignment and division of the 2604
work of the division and with the employment and supervision of 2605
the personnel of the division. 2606

The judge shall designate the title, compensation, expense 2607
allowances, hours, leaves of absence, and vacations of the 2608
personnel of the division and shall fix the duties of the 2609
personnel of the division. The duties of the personnel of the 2610
division, in addition to other statutory duties, shall include 2611
the handling, servicing, and investigation of divorce, 2612
dissolution of marriage, legal separation, and annulment cases, 2613

cases arising under Chapter 3111. of the Revised Code, and 2614
proceedings involving child support, the allocation of ~~parental-~~ 2615
~~rights and parenting~~ responsibilities ~~for the care of children-~~ 2616
under a parenting plan and the designation for the children of a 2617
place of residence and legal custodian, ~~parenting time,~~ and 2618
companionship or visitation and providing any counseling and 2619
conciliation services that the division makes available to 2620
persons, whether or not the persons are parties to an action 2621
pending in the division, who request the services. 2622

(BB) In Henry county, the judge of the court of common 2623
pleas whose term begins on January 1, 2005, and successors, 2624
shall have the same qualifications, exercise the same powers and 2625
jurisdiction, and receive the same compensation as the other 2626
judge of the court of common pleas of Henry county and shall be 2627
elected and designated as the judge of the court of common 2628
pleas, division of domestic relations. The judge shall have all 2629
of the powers relating to juvenile courts, and all cases under 2630
Chapter 2151. or 2152. of the Revised Code, all parentage 2631
proceedings arising under Chapter 3111. of the Revised Code over 2632
which the juvenile court has jurisdiction, all divorce, 2633
dissolution of marriage, legal separation, and annulment cases, 2634
all proceedings involving child support, the allocation of 2635
~~parental rights and parenting~~ responsibilities ~~for the care of-~~ 2636
~~children-~~ under a parenting plan and the designation for the 2637
children of a place of residence and legal custodian, ~~parenting-~~ 2638
~~time,~~ and companionship or visitation, and all post-decree 2639
proceedings and matters arising from those cases and proceedings 2640
shall be assigned to that judge, except in cases that for some 2641
special reason are assigned to the other judge of the court of 2642
common pleas. 2643

(CC) (1) In Logan county, the judge of the court of common 2644

pleas whose term begins January 2, 2005, and the successors to 2645
that judge, shall have the same qualifications, exercise the 2646
same powers and jurisdiction, and receive the same compensation 2647
as the other judges of the court of common pleas of Logan county 2648
and shall be elected and designated as judge of the court of 2649
common pleas, family court division. Except as otherwise 2650
specified in this division, that judge, and the successors to 2651
that judge, shall have all the powers relating to juvenile 2652
courts, and all cases under Chapters 2151. and 2152. of the 2653
Revised Code, all cases arising under Chapter 3111. of the 2654
Revised Code, all divorce, dissolution of marriage, legal 2655
separation, and annulment cases, all proceedings involving child 2656
support, the allocation of ~~parental rights and parenting~~ 2657
~~responsibilities for the care of children under a parenting plan~~ 2658
and designation for the children of a place of residence and 2659
legal custodian, ~~parenting time,~~ and companionship or 2660
visitation, and all post-decree proceedings and matters arising 2661
from those cases and proceedings shall be assigned to that judge 2662
and the successors to that judge. Notwithstanding any other 2663
provision of any section of the Revised Code, on and after 2664
January 2, 2005, the judge of the court of common pleas of Logan 2665
county whose term begins on January 2, 2005, and the successors 2666
to that judge, shall have all the powers relating to the probate 2667
division of the court of common pleas of Logan county in 2668
addition to the powers previously specified in this division and 2669
shall exercise concurrent jurisdiction with the judge of the 2670
probate division of that court over all matters that are within 2671
the jurisdiction of the probate division of that court under 2672
Chapter 2101., and other provisions, of the Revised Code in 2673
addition to the jurisdiction of the family court division of 2674
that court otherwise specified in division (CC) (1) of this 2675
section. 2676

(2) The judge of the family court division of the court of
common pleas of Logan county or the probate judge of the court
of common pleas of Logan county who is elected as the
administrative judge of the family court division of the court
of common pleas of Logan county pursuant to Rule 4 of the Rules
of Superintendence shall be the clerk of the family court
division of the court of common pleas of Logan county.

(3) On and after April 5, 2019, all references in law to
"the probate court," "the probate judge," "the juvenile court,"
or "the judge of the juvenile court" shall be construed, with
respect to Logan county, as being references to both "the
probate division" and the "family court division" and as being
references to both "the judge of the probate division" and the
"judge of the family court division." On and after April 5,
2019, all references in law to "the clerk of the probate court"
shall be construed, with respect to Logan county, as being
references to the judge who is serving pursuant to division (CC)
(2) of this section as the clerk of the family court division of
the court of common pleas of Logan county.

(DD)(1) In Champaign county, the judge of the court of
common pleas whose term begins February 9, 2003, and the judge
of the court of common pleas whose term begins February 10,
2009, and the successors to those judges, shall have the same
qualifications, exercise the same powers and jurisdiction, and
receive the same compensation as the other judges of the court
of common pleas of Champaign county and shall be elected and
designated as judges of the court of common pleas, domestic
relations-juvenile-probate division. Except as otherwise
specified in this division, those judges, and the successors to
those judges, shall have all the powers relating to juvenile
courts, and all cases under Chapters 2151. and 2152. of the

Revised Code, all cases arising under Chapter 3111. of the 2708
Revised Code, all divorce, dissolution of marriage, legal 2709
separation, and annulment cases, all proceedings involving child 2710
support, the allocation of ~~parental rights and parenting~~ 2711
~~responsibilities for the care of children~~ under a parenting plan 2712
and the designation for the children of a place of residence and 2713
legal custodian, ~~parenting time,~~ and companionship or 2714
visitation, and all post-decree proceedings and matters arising 2715
from those cases and proceedings shall be assigned to those 2716
judges and the successors to those judges. Notwithstanding any 2717
other provision of any section of the Revised Code, on and after 2718
February 9, 2009, the judges designated by this division as 2719
judges of the court of common pleas of Champaign county, 2720
domestic relations-juvenile-probate division, and the successors 2721
to those judges, shall have all the powers relating to probate 2722
courts in addition to the powers previously specified in this 2723
division and shall exercise jurisdiction over all matters that 2724
are within the jurisdiction of probate courts under Chapter 2725
2101., and other provisions, of the Revised Code in addition to 2726
the jurisdiction of the domestic relations-juvenile-probate 2727
division otherwise specified in division (DD) (1) of this 2728
section. 2729

(2) On and after February 9, 2009, all references in law 2730
to "the probate court," "the probate judge," "the juvenile 2731
court," or "the judge of the juvenile court" shall be construed 2732
with respect to Champaign county as being references to the 2733
"domestic relations-juvenile-probate division" and as being 2734
references to the "judge of the domestic relations-juvenile- 2735
probate division." On and after February 9, 2009, all references 2736
in law to "the clerk of the probate court" shall be construed 2737
with respect to Champaign county as being references to the 2738

judge who is serving pursuant to Rule 4 of the Rules of 2739
Superintendence for the Courts of Ohio as the administrative 2740
judge of the court of common pleas, domestic relations-juvenile- 2741
probate division. 2742

(EE) In Delaware county, the judge of the court of common 2743
pleas whose term begins on January 1, 2017, and successors, 2744
shall have the same qualifications, exercise the same powers and 2745
jurisdiction, and receive the same compensation as the other 2746
judges of the court of common pleas of Delaware county and shall 2747
be elected and designated as the judge of the court of common 2748
pleas, division of domestic relations. Divorce, dissolution of 2749
marriage, legal separation, and annulment cases, including any 2750
post-decree proceedings, and cases involving questions of 2751
paternity, custody, companionship or visitation, child support, 2752
and the allocation of parental rights and parenting 2753
responsibilities ~~for the care of children~~ under a parenting plan, 2754
regardless of whether those matters arise in post-decree 2755
proceedings or involve children born between unmarried persons, 2756
shall be assigned to that judge, except cases that for some 2757
special reason are assigned to another judge of the court of 2758
common pleas. 2759

(FF) In Hardin county: 2760

(1) The judge of the court of common pleas whose term 2761
begins on January 1, 2023, and successors, shall have the same 2762
qualifications, exercise the same powers and jurisdiction, and 2763
receive the same compensation as the other judge of the court of 2764
common pleas of Hardin county and shall be elected and 2765
designated as the judge of the court of common pleas, division 2766
of domestic relations. The judge shall have all of the powers 2767
relating to juvenile courts, and all cases under Chapter 2151. 2768

or 2152. of the Revised Code, all parentage proceedings arising 2769
under Chapter 3111. of the Revised Code over which the juvenile 2770
court has jurisdiction, all divorce, dissolution of marriage, 2771
legal separation, and annulment cases, civil protection orders 2772
issued under sections 2903.214 and 3113.31 of the Revised Code, 2773
all proceedings involving child support, the allocation of 2774
~~parental rights and parenting responsibilities for the care of~~ 2775
~~children under a parenting plan~~ and the designation for the 2776
children of a place of residence and legal custodian, ~~parenting~~ 2777
~~time,~~ and companionship or visitation, and all post-decree 2778
proceedings and matters arising from those cases and proceedings 2779
shall be assigned to that judge, except in cases that for some 2780
special reason are assigned to the other judge of the court of 2781
common pleas. 2782

(2) The judge of the court of common pleas, general 2783
division, whose term begins on February 9, 2027, and successors, 2784
shall have assigned to the judge, in addition to all matters 2785
that are within the jurisdiction of the general division of the 2786
court of common pleas, all matters that are within the 2787
jurisdiction of the probate court under Chapter 2101., and other 2788
provisions, of the Revised Code. 2789

(GG) In Adams county: 2790

(1) Subject to division (GG) (2) of this section, the judge 2791
of the court of common pleas whose term begins on February 9, 2792
2027, and successors, shall have the same qualifications, 2793
exercise the same powers and jurisdiction, and receive the same 2794
compensation as the other judge of the court of common pleas of 2795
Adams county. 2796

(2) Beginning on February 9, 2029, the judge of the court 2797
of common pleas whose term begins on February 9, 2027, and 2798

successors shall be designated as the judge of the court of 2799
common pleas, probate and juvenile division. The judge shall 2800
have all of the powers relating to juvenile courts, all cases 2801
under Chapter 2151. or 2152. of the Revised Code, all parentage 2802
proceedings arising under Chapter 3111. of the Revised Code over 2803
which the juvenile court has jurisdiction, all of the powers 2804
relating to probate courts, and all matters that are within the 2805
jurisdiction of the probate court under Chapter 2101., and other 2806
provisions, of the Revised Code. 2807

On and after February 9, 2029, all references in law to 2808
"the probate court," "the probate judge," "the juvenile court," 2809
or "the judge of the juvenile court" shall be construed, with 2810
respect to Adams county, as being references to "the probate and 2811
juvenile division" and as being references to "the judge of the 2812
probate and juvenile division." 2813

(HH) If a judge of the court of common pleas, division of 2814
domestic relations, or juvenile judge, of any of the counties 2815
mentioned in this section is sick, absent, or unable to perform 2816
that judge's judicial duties or the volume of cases pending in 2817
the judge's division necessitates it, the duties of that judge 2818
shall be performed by another judge of the court of common pleas 2819
of that county, assigned for that purpose by the presiding judge 2820
of the court of common pleas of that county to act in place of 2821
or in conjunction with that judge, as the case may require. 2822

Sec. 2307.50. (A) As used in this section: 2823

(1) "Child stealing crime" means a violation of sections 2824
2905.01, 2905.02, 2905.03, and 2919.23 of the Revised Code or 2825
section 2905.04 of the Revised Code as it existed prior to the 2826
effective date of this amendment. 2827

(2) "Minor" means a person under eighteen years of age. 2828

(3) "Parental or guardianship interest" means that a 2829
parent of a minor is the ~~residential-designated~~ parent and legal 2830
custodian of the minor and has the ~~rights-responsibilities~~ 2831
corresponding to that capacity, that a parent of a minor is the 2832
parent other than the ~~residential-designated~~ parent and legal 2833
custodian of the minor and has a right of access to the minor, 2834
that the parents of a minor have ~~parental-rights-and-parenting~~ 2835
responsibilities for the care of the minor and are the 2836
~~residential-designated~~ parents and legal custodians of the 2837
child, or that any other person has a right of custody or access 2838
to a minor as ~~his~~ the minor's guardian or other custodian. 2839

(B) Except as provided in division (D) of this section, if 2840
a minor is the victim of a child stealing crime and if, as a 2841
result of that crime, the minor's parents, parent who is the 2842
~~residential-designated~~ parent and legal custodian, parent who is 2843
not the ~~residential-designated~~ parent and legal custodian, 2844
guardian, or other custodian is deprived of a parental or 2845
guardianship interest in the minor, the parents, parent who is 2846
the ~~residential-designated~~ parent and legal custodian, parent 2847
who is not the ~~residential-designated~~ parent and legal 2848
custodian, guardian, or other custodian may maintain a civil 2849
action against the offender to recover damages for interference 2850
with the parental or guardianship interest. In the civil action, 2851
the plaintiffs may recover all of the following: 2852

(1) Full compensatory damages, including, but not limited 2853
to, damages for the mental suffering and anguish incurred by the 2854
plaintiffs, damages for the loss of society of the minor, and, 2855
if applicable, damages for the loss of the minor's services and 2856
damages for expenses incurred by the plaintiffs in locating or 2857

recovering the minor; 2858

(2) Punitive damages; 2859

(3) Reasonable attorney's fees; 2860

(4) Costs of bringing the civil action. 2861

(C) In a civil action brought pursuant to this section, 2862
the trier of fact may determine that the minor was the victim of 2863
a child stealing crime and that the defendant committed the 2864
crime, regardless of whether the defendant has been convicted of 2865
or pleaded guilty to a child stealing crime. 2866

(D) This section does not create a civil action for one 2867
parent against the other parent who commits a child stealing 2868
crime against the parent's own child. 2869

Sec. 2317.02. The following persons shall not testify in 2870
certain respects: 2871

(A) (1) An attorney, concerning a communication made to the 2872
attorney by a client in that relation or concerning the 2873
attorney's advice to a client, except that the attorney may 2874
testify by express consent of the client or, if the client is 2875
deceased, by the express consent of the surviving spouse or the 2876
executor or administrator of the estate of the deceased client. 2877
However, if the client voluntarily reveals the substance of 2878
attorney-client communications in a nonprivileged context or is 2879
deemed by section 2151.421 of the Revised Code to have waived 2880
any testimonial privilege under this division, the attorney may 2881
be compelled to testify on the same subject. 2882

The testimonial privilege established under this division 2883
does not apply concerning either of the following: 2884

(a) A communication between a client in a capital case, as 2885

defined in section 2901.02 of the Revised Code, and the client's 2886
attorney if the communication is relevant to a subsequent 2887
ineffective assistance of counsel claim by the client alleging 2888
that the attorney did not effectively represent the client in 2889
the case; 2890

(b) A communication between a client who has since died 2891
and the deceased client's attorney if the communication is 2892
relevant to a dispute between parties who claim through that 2893
deceased client, regardless of whether the claims are by testate 2894
or intestate succession or by inter vivos transaction, and the 2895
dispute addresses the competency of the deceased client when the 2896
deceased client executed a document that is the basis of the 2897
dispute or whether the deceased client was a victim of fraud, 2898
undue influence, or duress when the deceased client executed a 2899
document that is the basis of the dispute. 2900

(2) An attorney, concerning a communication made to the 2901
attorney by a client in that relationship or the attorney's 2902
advice to a client, except that if the client is an insurance 2903
company, the attorney may be compelled to testify, subject to an 2904
in camera inspection by a court, about communications made by 2905
the client to the attorney or by the attorney to the client that 2906
are related to the attorney's aiding or furthering an ongoing or 2907
future commission of bad faith by the client, if the party 2908
seeking disclosure of the communications has made a prima-facie 2909
showing of bad faith, fraud, or criminal misconduct by the 2910
client. 2911

(B) (1) A physician, advanced practice registered nurse, or 2912
dentist concerning a communication made to the physician, 2913
advanced practice registered nurse, or dentist by a patient in 2914
that relation or the advice of a physician, advanced practice 2915

registered nurse, or dentist given to a patient, except as 2916
otherwise provided in this division, division (B) (2), and 2917
division (B) (3) of this section, and except that, if the patient 2918
is deemed by section 2151.421 of the Revised Code to have waived 2919
any testimonial privilege under this division, the physician or 2920
advanced practice registered nurse may be compelled to testify 2921
on the same subject. 2922

The testimonial privilege established under this division 2923
does not apply, and a physician, advanced practice registered 2924
nurse, or dentist may testify or may be compelled to testify, in 2925
any of the following circumstances: 2926

(a) In any civil action, in accordance with the discovery 2927
provisions of the Rules of Civil Procedure in connection with a 2928
civil action, or in connection with a claim under Chapter 4123. 2929
of the Revised Code, under any of the following circumstances: 2930

(i) If the patient or the guardian or other legal 2931
representative of the patient gives express consent; 2932

(ii) If the patient is deceased, the spouse of the patient 2933
or the executor or administrator of the patient's estate gives 2934
express consent; 2935

(iii) If a medical claim, dental claim, chiropractic 2936
claim, or optometric claim, as defined in section 2305.113 of 2937
the Revised Code, an action for wrongful death, any other type 2938
of civil action, or a claim under Chapter 4123. of the Revised 2939
Code is filed by the patient, the personal representative of the 2940
estate of the patient if deceased, or the patient's guardian or 2941
other legal representative. 2942

(b) In any civil action concerning court-ordered treatment 2943
or services received by a patient, if the court-ordered 2944

treatment or services were ordered as part of a case plan 2945
journalized under section 2151.412 of the Revised Code or the 2946
court-ordered treatment or services are necessary or relevant to 2947
dependency, neglect, or abuse or temporary or permanent custody 2948
proceedings under Chapter 2151. of the Revised Code. 2949

(c) In any criminal action concerning any test or the 2950
results of any test that determines the presence or 2951
concentration of alcohol, a drug of abuse, a combination of 2952
them, a controlled substance, or a metabolite of a controlled 2953
substance in the patient's whole blood, blood serum or plasma, 2954
breath, urine, oral fluid, or other bodily substance at any time 2955
relevant to the criminal offense in question. 2956

(d) In any criminal action against a physician, advanced 2957
practice registered nurse, or dentist. In such an action, the 2958
testimonial privilege established under this division does not 2959
prohibit the admission into evidence, in accordance with the 2960
Rules of Evidence, of a patient's medical or dental records or 2961
other communications between a patient and the physician, 2962
advanced practice registered nurse, or dentist that are related 2963
to the action and obtained by subpoena, search warrant, or other 2964
lawful means. A court that permits or compels a physician, 2965
advanced practice registered nurse, or dentist to testify in 2966
such an action or permits the introduction into evidence of 2967
patient records or other communications in such an action shall 2968
require that appropriate measures be taken to ensure that the 2969
confidentiality of any patient named or otherwise identified in 2970
the records is maintained. Measures to ensure confidentiality 2971
that may be taken by the court include sealing its records or 2972
deleting specific information from its records. 2973

(e) (i) If the communication was between a patient who has 2974

since died and the deceased patient's physician, advanced 2975
practice registered nurse, or dentist, the communication is 2976
relevant to a dispute between parties who claim through that 2977
deceased patient, regardless of whether the claims are by 2978
testate or intestate succession or by inter vivos transaction, 2979
and the dispute addresses the competency of the deceased patient 2980
when the deceased patient executed a document that is the basis 2981
of the dispute or whether the deceased patient was a victim of 2982
fraud, undue influence, or duress when the deceased patient 2983
executed a document that is the basis of the dispute. 2984

(ii) If neither the spouse of a patient nor the executor 2985
or administrator of that patient's estate gives consent under 2986
division (B)(1)(a)(ii) of this section, testimony or the 2987
disclosure of the patient's medical records by a physician, 2988
advanced practice registered nurse, dentist, or other health 2989
care provider under division (B)(1)(e)(i) of this section is a 2990
permitted use or disclosure of protected health information, as 2991
defined in 45 C.F.R. 160.103, and an authorization or 2992
opportunity to be heard shall not be required. 2993

(iii) Division (B)(1)(e)(i) of this section does not 2994
require a mental health professional to disclose psychotherapy 2995
notes, as defined in 45 C.F.R. 164.501. 2996

(iv) An interested person who objects to testimony or 2997
disclosure under division (B)(1)(e)(i) of this section may seek 2998
a protective order pursuant to Civil Rule 26. 2999

(v) A person to whom protected health information is 3000
disclosed under division (B)(1)(e)(i) of this section shall not 3001
use or disclose the protected health information for any purpose 3002
other than the litigation or proceeding for which the 3003
information was requested and shall return the protected health 3004

information to the covered entity or destroy the protected 3005
health information, including all copies made, at the conclusion 3006
of the litigation or proceeding. 3007

(2) (a) If any law enforcement officer submits a written 3008
statement to a health care provider that states that an official 3009
criminal investigation has begun regarding a specified person or 3010
that a criminal action or proceeding has been commenced against 3011
a specified person, that requests the provider to supply to the 3012
officer copies of any records the provider possesses that 3013
pertain to any test or the results of any test administered to 3014
the specified person to determine the presence or concentration 3015
of alcohol, a drug of abuse, a combination of them, a controlled 3016
substance, or a metabolite of a controlled substance in the 3017
person's whole blood, blood serum or plasma, breath, oral fluid, 3018
or urine at any time relevant to the criminal offense in 3019
question, and that conforms to section 2317.022 of the Revised 3020
Code, the provider, except to the extent specifically prohibited 3021
by any law of this state or of the United States, shall supply 3022
to the officer a copy of any of the requested records the 3023
provider possesses. If the health care provider does not possess 3024
any of the requested records, the provider shall give the 3025
officer a written statement that indicates that the provider 3026
does not possess any of the requested records. 3027

(b) If a health care provider possesses any records of the 3028
type described in division (B) (2) (a) of this section regarding 3029
the person in question at any time relevant to the criminal 3030
offense in question, in lieu of personally testifying as to the 3031
results of the test in question, the custodian of the records 3032
may submit a certified copy of the records, and, upon its 3033
submission, the certified copy is qualified as authentic 3034
evidence and may be admitted as evidence in accordance with the 3035

Rules of Evidence. Division (A) of section 2317.422 of the 3036
Revised Code does not apply to any certified copy of records 3037
submitted in accordance with this division. Nothing in this 3038
division shall be construed to limit the right of any party to 3039
call as a witness the person who administered the test to which 3040
the records pertain, the person under whose supervision the test 3041
was administered, the custodian of the records, the person who 3042
made the records, or the person under whose supervision the 3043
records were made. 3044

(3) (a) If the testimonial privilege described in division 3045
(B) (1) of this section does not apply as provided in division 3046
(B) (1) (a) (iii) of this section, a physician, advanced practice 3047
registered nurse, or dentist may be compelled to testify or to 3048
submit to discovery under the Rules of Civil Procedure only as 3049
to a communication made to the physician, advanced practice 3050
registered nurse, or dentist by the patient in question in that 3051
relation, or the advice of the physician, advanced practice 3052
registered nurse, or dentist given to the patient in question, 3053
that related causally or historically to physical or mental 3054
injuries that are relevant to issues in the medical claim, 3055
dental claim, chiropractic claim, or optometric claim, action 3056
for wrongful death, other civil action, or claim under Chapter 3057
4123. of the Revised Code. 3058

(b) If the testimonial privilege described in division (B) 3059
(1) of this section does not apply to a physician, advanced 3060
practice registered nurse, or dentist as provided in division 3061
(B) (1) (c) of this section, the physician, advanced practice 3062
registered nurse, or dentist, in lieu of personally testifying 3063
as to the results of the test in question, may submit a 3064
certified copy of those results, and, upon its submission, the 3065
certified copy is qualified as authentic evidence and may be 3066

admitted as evidence in accordance with the Rules of Evidence. 3067
Division (A) of section 2317.422 of the Revised Code does not 3068
apply to any certified copy of results submitted in accordance 3069
with this division. Nothing in this division shall be construed 3070
to limit the right of any party to call as a witness the person 3071
who administered the test in question, the person under whose 3072
supervision the test was administered, the custodian of the 3073
results of the test, the person who compiled the results, or the 3074
person under whose supervision the results were compiled. 3075

(4) The testimonial privilege described in division (B) (1) 3076
of this section is not waived when a communication is made by a 3077
physician or advanced practice registered nurse to a pharmacist 3078
or when there is communication between a patient and a 3079
pharmacist in furtherance of the physician-patient or advanced 3080
practice registered nurse-patient relation. 3081

(5) (a) As used in divisions (B) (1) to (4) of this section, 3082
"communication" means acquiring, recording, or transmitting any 3083
information, in any manner, concerning any facts, opinions, or 3084
statements necessary to enable a physician, advanced practice 3085
registered nurse, or dentist to diagnose, treat, prescribe, or 3086
act for a patient. A "communication" may include, but is not 3087
limited to, any medical or dental, office, or hospital 3088
communication such as a record, chart, letter, memorandum, 3089
laboratory test and results, x-ray, photograph, financial 3090
statement, diagnosis, or prognosis. 3091

(b) As used in division (B) (2) of this section, "health 3092
care provider" means a hospital, ambulatory care facility, long- 3093
term care facility, pharmacy, emergency facility, or health care 3094
practitioner. 3095

(c) As used in division (B) (5) (b) of this section: 3096

(i) "Ambulatory care facility" means a facility that 3097
provides medical, diagnostic, or surgical treatment to patients 3098
who do not require hospitalization, including a dialysis center, 3099
ambulatory surgical facility, cardiac catheterization facility, 3100
diagnostic imaging center, extracorporeal shock wave lithotripsy 3101
center, home health agency, inpatient hospice, birthing center, 3102
radiation therapy center, emergency facility, and an urgent care 3103
center. "Ambulatory health care facility" does not include the 3104
private office of a physician, advanced practice registered 3105
nurse, or dentist, whether the office is for an individual or 3106
group practice. 3107

(ii) "Emergency facility" means a hospital emergency 3108
department or any other facility that provides emergency medical 3109
services. 3110

(iii) "Health care practitioner" has the same meaning as 3111
in section 4769.01 of the Revised Code. 3112

(iv) "Hospital" has the same meaning as in section 3727.01 3113
of the Revised Code. 3114

(v) "Long-term care facility" means a nursing home, 3115
residential care facility, or home for the aging, as those terms 3116
are defined in section 3721.01 of the Revised Code; a 3117
residential facility licensed under section 5119.34 of the 3118
Revised Code that provides accommodations, supervision, and 3119
personal care services for three to sixteen unrelated adults; a 3120
nursing facility, as defined in section 5165.01 of the Revised 3121
Code; a skilled nursing facility, as defined in section 5165.01 3122
of the Revised Code; and an intermediate care facility for 3123
individuals with intellectual disabilities, as defined in 3124
section 5124.01 of the Revised Code. 3125

(vi) "Pharmacy" has the same meaning as in section 4729.01 3126
of the Revised Code. 3127

(d) As used in divisions (B) (1) and (2) of this section, 3128
"drug of abuse" has the same meaning as in section 4506.01 of 3129
the Revised Code. 3130

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 3131
section apply to doctors of medicine, doctors of osteopathic 3132
medicine, doctors of podiatry, advanced practice registered 3133
nurses, and dentists. 3134

(7) Nothing in divisions (B) (1) to (6) of this section 3135
affects, or shall be construed as affecting, the immunity from 3136
civil liability conferred by section 307.628 of the Revised Code 3137
or the immunity from civil liability conferred by section 3138
2305.33 of the Revised Code upon physicians or advanced practice 3139
registered nurses who report an employee's use of a drug of 3140
abuse, or a condition of an employee other than one involving 3141
the use of a drug of abuse, to the employer of the employee in 3142
accordance with division (B) of that section. As used in 3143
division (B) (7) of this section, "employee," "employer," and 3144
"physician" have the same meanings as in section 2305.33 of the 3145
Revised Code and "advanced practice registered nurse" has the 3146
same meaning as in section 4723.01 of the Revised Code. 3147

(C) (1) A cleric, when the cleric remains accountable to 3148
the authority of that cleric's church, denomination, or sect, 3149
concerning a confession made, or any information confidentially 3150
communicated, to the cleric for a religious counseling purpose 3151
in the cleric's professional character. The cleric may testify 3152
by express consent of the person making the communication, 3153
except when the disclosure of the information is in violation of 3154
a sacred trust and except that, if the person voluntarily 3155

testifies or is deemed by division (A) (4) (c) of section 2151.421 3156
of the Revised Code to have waived any testimonial privilege 3157
under this division, the cleric may be compelled to testify on 3158
the same subject except when disclosure of the information is in 3159
violation of a sacred trust. 3160

(2) As used in division (C) of this section: 3161

(a) "Cleric" means a member of the clergy, rabbi, priest, 3162
Christian Science practitioner, or regularly ordained, 3163
accredited, or licensed minister of an established and legally 3164
cognizable church, denomination, or sect. 3165

(b) "Sacred trust" means a confession or confidential 3166
communication made to a cleric in the cleric's ecclesiastical 3167
capacity in the course of discipline enjoined by the church to 3168
which the cleric belongs, including, but not limited to, the 3169
Catholic Church, if both of the following apply: 3170

(i) The confession or confidential communication was made 3171
directly to the cleric. 3172

(ii) The confession or confidential communication was made 3173
in the manner and context that places the cleric specifically 3174
and strictly under a level of confidentiality that is considered 3175
inviolable by canon law or church doctrine. 3176

(D) Husband or wife, concerning any communication made by 3177
one to the other, or an act done by either in the presence of 3178
the other, during coverture, unless the communication was made, 3179
or act done, in the known presence or hearing of a third person 3180
competent to be a witness; and such rule is the same if the 3181
marital relation has ceased to exist; 3182

(E) A person who assigns a claim or interest, concerning 3183
any matter in respect to which the person would not, if a party, 3184

be permitted to testify; 3185

(F) A person who, if a party, would be restricted under 3186
section 2317.03 of the Revised Code, when the property or thing 3187
is sold or transferred by an executor, administrator, guardian, 3188
trustee, heir, devisee, or legatee, shall be restricted in the 3189
same manner in any action or proceeding concerning the property 3190
or thing. 3191

(G) (1) A school guidance counselor who holds a valid 3192
educator license from the state board of education as provided 3193
for in section 3319.22 of the Revised Code, a person licensed 3194
under Chapter 4757. of the Revised Code as a licensed 3195
professional clinical counselor, licensed professional 3196
counselor, social worker, independent social worker, marriage 3197
and family therapist or independent marriage and family 3198
therapist, or registered under Chapter 4757. of the Revised Code 3199
as a social work assistant concerning a confidential 3200
communication received from a client in that relation or the 3201
person's advice to a client unless any of the following applies: 3202

(a) The communication or advice indicates clear and 3203
present danger to the client or other persons. For the purposes 3204
of this division, cases in which there are indications of 3205
present or past child abuse or neglect of the client constitute 3206
a clear and present danger. 3207

(b) The client gives express consent to the testimony. 3208

(c) If the client is deceased, the surviving spouse or the 3209
executor or administrator of the estate of the deceased client 3210
gives express consent. 3211

(d) The client voluntarily testifies, in which case the 3212
school guidance counselor or person licensed or registered under 3213

Chapter 4757. of the Revised Code may be compelled to testify on 3214
the same subject. 3215

(e) The court in camera determines that the information 3216
communicated by the client is not germane to the counselor- 3217
client, marriage and family therapist-client, or social worker- 3218
client relationship. 3219

(f) A court, in an action brought against a school, its 3220
administration, or any of its personnel by the client, rules 3221
after an in-camera inspection that the testimony of the school 3222
guidance counselor is relevant to that action. 3223

(g) The testimony is sought in a civil action and concerns 3224
court-ordered treatment or services received by a patient as 3225
part of a case plan journalized under section 2151.412 of the 3226
Revised Code or the court-ordered treatment or services are 3227
necessary or relevant to dependency, neglect, or abuse or 3228
temporary or permanent custody proceedings under Chapter 2151. 3229
of the Revised Code. 3230

(2) Nothing in division (G) (1) of this section shall 3231
relieve a school guidance counselor or a person licensed or 3232
registered under Chapter 4757. of the Revised Code from the 3233
requirement to report information concerning child abuse or 3234
neglect under section 2151.421 of the Revised Code. 3235

(H) A neutral facilitator, including a mediator, acting 3236
under a ~~mediation-dispute resolution~~ order issued under division 3237
(A) of section 3109.052 of the Revised Code or otherwise issued 3238
in any proceeding for divorce, dissolution, legal separation, 3239
annulment, or the allocation of parental rights and parenting 3240
~~responsibilities for the care of children,~~ in any action or 3241
proceeding, other than a criminal, delinquency, child abuse, 3242

child neglect, or dependent child action or proceeding, that is 3243
brought by or against either parent who takes part in mediation 3244
in accordance with the order and that pertains to the mediation 3245
process, to any information discussed or presented in the 3246
mediation process, to the allocation of ~~parental rights and~~ 3247
parenting responsibilities ~~for the care of the parents'~~ 3248
~~children,~~ or to the awarding of parenting time ~~rights under a~~ 3249
parenting plan in relation to their children; 3250

(I) A communications assistant, acting within the scope of 3251
the communication assistant's authority, when providing 3252
telecommunications relay service pursuant to section 4931.06 of 3253
the Revised Code or Title II of the "Communications Act of 3254
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 3255
communication made through a telecommunications relay service. 3256
Nothing in this section shall limit the obligation of a 3257
communications assistant to divulge information or testify when 3258
mandated by federal law or regulation or pursuant to subpoena in 3259
a criminal proceeding. 3260

Nothing in this section shall limit any immunity or 3261
privilege granted under federal law or regulation. 3262

(J) (1) A chiropractor in a civil proceeding concerning a 3263
communication made to the chiropractor by a patient in that 3264
relation or the chiropractor's advice to a patient, except as 3265
otherwise provided in this division. The testimonial privilege 3266
established under this division does not apply, and a 3267
chiropractor may testify or may be compelled to testify, in any 3268
civil action, in accordance with the discovery provisions of the 3269
Rules of Civil Procedure in connection with a civil action, or 3270
in connection with a claim under Chapter 4123. of the Revised 3271
Code, under any of the following circumstances: 3272

(a) If the patient or the guardian or other legal representative of the patient gives express consent. 3273
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(b) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent. 3275
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(c) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative. 3278
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(2) If the testimonial privilege described in division (J) (1) of this section does not apply as provided in division (J) (1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code. 3285
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(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding. 3296
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(4) As used in this division, "communication" means acquiring, recording, or transmitting any information, in any 3300
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manner, concerning any facts, opinions, or statements necessary 3302
to enable a chiropractor to diagnose, treat, or act for a 3303
patient. A communication may include, but is not limited to, any 3304
chiropractic, office, or hospital communication such as a 3305
record, chart, letter, memorandum, laboratory test and results, 3306
x-ray, photograph, financial statement, diagnosis, or prognosis. 3307

(K) (1) Except as provided under division (K) (2) of this 3308
section, a critical incident stress management team member 3309
concerning a communication received from an individual who 3310
receives crisis response services from the team member, or the 3311
team member's advice to the individual, during a debriefing 3312
session. 3313

(2) The testimonial privilege established under division 3314
(K) (1) of this section does not apply if any of the following 3315
are true: 3316

(a) The communication or advice indicates clear and 3317
present danger to the individual who receives crisis response 3318
services or to other persons. For purposes of this division, 3319
cases in which there are indications of present or past child 3320
abuse or neglect of the individual constitute a clear and 3321
present danger. 3322

(b) The individual who received crisis response services 3323
gives express consent to the testimony. 3324

(c) If the individual who received crisis response 3325
services is deceased, the surviving spouse or the executor or 3326
administrator of the estate of the deceased individual gives 3327
express consent. 3328

(d) The individual who received crisis response services 3329
voluntarily testifies, in which case the team member may be 3330

compelled to testify on the same subject. 3331

(e) The court in camera determines that the information 3332
communicated by the individual who received crisis response 3333
services is not germane to the relationship between the 3334
individual and the team member. 3335

(f) The communication or advice pertains or is related to 3336
any criminal act. 3337

(3) As used in division (K) of this section: 3338

(a) "Crisis response services" means consultation, risk 3339
assessment, referral, and on-site crisis intervention services 3340
provided by a critical incident stress management team to 3341
individuals affected by crisis or disaster. 3342

(b) "Critical incident stress management team member" or 3343
"team member" means an individual specially trained to provide 3344
crisis response services as a member of an organized community 3345
or local crisis response team that holds membership in the Ohio 3346
critical incident stress management network. 3347

(c) "Debriefing session" means a session at which crisis 3348
response services are rendered by a critical incident stress 3349
management team member during or after a crisis or disaster. 3350

(L) (1) Subject to division (L) (2) of this section and 3351
except as provided in division (L) (3) of this section, an 3352
employee assistance professional, concerning a communication 3353
made to the employee assistance professional by a client in the 3354
employee assistance professional's official capacity as an 3355
employee assistance professional. 3356

(2) Division (L) (1) of this section applies to an employee 3357
assistance professional who meets either or both of the 3358

following requirements: 3359

 (a) Is certified by the employee assistance certification 3360
commission to engage in the employee assistance profession; 3361

 (b) Has education, training, and experience in all of the 3362
following: 3363

 (i) Providing workplace-based services designed to address 3364
employer and employee productivity issues; 3365

 (ii) Providing assistance to employees and employees' 3366
dependents in identifying and finding the means to resolve 3367
personal problems that affect the employees or the employees' 3368
performance; 3369

 (iii) Identifying and resolving productivity problems 3370
associated with an employee's concerns about any of the 3371
following matters: health, marriage, family, finances, substance 3372
abuse or other addiction, workplace, law, and emotional issues; 3373

 (iv) Selecting and evaluating available community 3374
resources; 3375

 (v) Making appropriate referrals; 3376

 (vi) Local and national employee assistance agreements; 3377

 (vii) Client confidentiality. 3378

 (3) Division (L)(1) of this section does not apply to any 3379
of the following: 3380

 (a) A criminal action or proceeding involving an offense 3381
under sections 2903.01 to 2903.06 of the Revised Code if the 3382
employee assistance professional's disclosure or testimony 3383
relates directly to the facts or immediate circumstances of the 3384
offense; 3385

(b) A communication made by a client to an employee 3386
assistance professional that reveals the contemplation or 3387
commission of a crime or serious, harmful act; 3388

(c) A communication that is made by a client who is an 3389
unemancipated minor or an adult adjudicated to be incompetent 3390
and indicates that the client was the victim of a crime or 3391
abuse; 3392

(d) A civil proceeding to determine an individual's mental 3393
competency or a criminal action in which a plea of not guilty by 3394
reason of insanity is entered; 3395

(e) A civil or criminal malpractice action brought against 3396
the employee assistance professional; 3397

(f) When the employee assistance professional has the 3398
express consent of the client or, if the client is deceased or 3399
disabled, the client's legal representative; 3400

(g) When the testimonial privilege otherwise provided by 3401
division (L)(1) of this section is abrogated under law. 3402

Sec. 2701.03. (A) If a judge of the court of common pleas 3403
allegedly is interested in a proceeding pending before the 3404
court, allegedly is related to or has a bias or prejudice for or 3405
against a party to a proceeding pending before the court or a 3406
party's counsel, or allegedly otherwise is disqualified to 3407
preside in a proceeding pending before the court, any party to 3408
the proceeding or the party's counsel may file an affidavit of 3409
disqualification with the clerk of the supreme court in 3410
accordance with division (B) of this section. 3411

(B) An affidavit of disqualification filed under section 3412
2101.39, 2501.13, 2701.031, or 2743.041 of the Revised Code or 3413
division (A) of this section shall be filed with the clerk of 3414

the supreme court not less than seven calendar days before the 3415
day on which the next hearing in the proceeding is scheduled and 3416
shall include all of the following: 3417

(1) The specific allegations on which the claim of 3418
interest, bias, prejudice, or disqualification is based and the 3419
facts to support each of those allegations or, in relation to an 3420
affidavit filed against a judge of a court of appeals, a 3421
specific allegation that the judge presided in the lower court 3422
in the same proceeding and the facts to support that allegation; 3423

(2) The jurat of a notary public or another person 3424
authorized to administer oaths or affirmations; 3425

(3) A certificate indicating that a copy of the affidavit 3426
has been served on the probate judge, judge of a court of 3427
appeals, judge of a court of common pleas, judge of a municipal 3428
or county court, or judge of the court of claims against whom 3429
the affidavit is filed and on all other parties or their 3430
counsel; 3431

(4) The date of the next scheduled hearing in the 3432
proceeding or, if there is no hearing scheduled, a statement 3433
that there is no hearing scheduled. 3434

(C) (1) Except as provided in division (C) (2) of this 3435
section, when an affidavit of disqualification is presented to 3436
the clerk of the supreme court for filing under division (B) of 3437
this section, all of the following apply: 3438

(a) The clerk of the supreme court shall accept the 3439
affidavit for filing and shall forward the affidavit to the 3440
chief justice of the supreme court. 3441

(b) The supreme court shall send notice of the filing of 3442
the affidavit to the probate court served by the judge if the 3443

affidavit is filed against a probate court judge, to the clerk 3444
of the court of appeals served by the judge if the affidavit is 3445
filed against a judge of a court of appeals, to the clerk of the 3446
court of common pleas served by the judge if the affidavit is 3447
filed against a judge of a court of common pleas, to the clerk 3448
of the municipal or county court served by the judge if the 3449
affidavit is filed against a judge of a municipal or county 3450
court, or to the clerk of the court of claims if the affidavit 3451
is filed against a judge of the court of claims. 3452

(c) Upon receipt of the notice under division (C) (1) (b) of 3453
this section, the probate court, the clerk of the court of 3454
appeals, the clerk of the court of common pleas, the clerk of 3455
the municipal or county court, or the clerk of the court of 3456
claims shall enter the fact of the filing of the affidavit on 3457
the docket of the probate court, the docket of the court of 3458
appeals, the docket in the proceeding in the court of common 3459
pleas, the docket ~~of~~ in the proceeding in the municipal or 3460
county court, or the docket ~~of~~ in the proceeding in the court of 3461
claims. 3462

(2) The clerk of the supreme court shall not accept an 3463
affidavit of disqualification presented for filing under 3464
division (B) of this section if it is not timely presented for 3465
filing or does not satisfy the requirements of divisions (B) (2), 3466
(3), and (4) of this section. 3467

(D) (1) Except as provided in divisions (D) (2) to (4) of 3468
this section, if the clerk of the supreme court accepts an 3469
affidavit of disqualification for filing under divisions (B) and 3470
(C) of this section, the affidavit deprives the judge against 3471
whom the affidavit was filed of any authority to preside in the 3472
proceeding until the chief justice of the supreme court, or a 3473

justice of the supreme court designated by the chief justice, 3474
rules on the affidavit pursuant to division (E) of this section. 3475

(2) A judge against whom an affidavit of disqualification 3476
has been filed under divisions (B) and (C) of this section may 3477
do any of the following that is applicable: 3478

(a) If, based on the scheduled hearing date, the affidavit 3479
was not timely filed, the judge may preside in the proceeding. 3480

(b) If the proceeding is a domestic relations proceeding, 3481
the judge may issue any temporary order relating to spousal 3482
support pendente lite and the support, maintenance, and 3483
allocation of ~~parental rights and parenting responsibilities for~~ 3484
~~the care of children.~~ 3485

(c) If the proceeding pertains to a complaint brought 3486
pursuant to Chapter 2151. or 2152. of the Revised Code, the 3487
judge may issue any temporary order pertaining to the relation 3488
and conduct of any other person toward a child who is the 3489
subject of a complaint as the interest and welfare of the child 3490
may require. 3491

(3) A judge against whom an affidavit of disqualification 3492
has been filed under divisions (B) and (C) of this section may 3493
determine a matter that does not affect a substantive right of 3494
any of the parties. 3495

(4) If the clerk of the supreme court accepts an affidavit 3496
of disqualification for filing under divisions (B) and (C) of 3497
this section, if the chief justice of the supreme court, or a 3498
justice of the supreme court designated by the chief justice, 3499
denies the affidavit of disqualification pursuant to division 3500
(E) of this section, and if, after the denial, a second or 3501
subsequent affidavit of disqualification regarding the same 3502

judge and the same proceeding is filed by the same party who 3503
filed or on whose behalf was filed the affidavit that was denied 3504
or by counsel for the same party who filed or on whose behalf 3505
was filed the affidavit that was denied, the judge against whom 3506
the second or subsequent affidavit is filed may preside in the 3507
proceeding prior to the ruling of the chief justice of the 3508
supreme court, or a justice designated by the chief justice, on 3509
the second or subsequent affidavit. 3510

(E) If the clerk of the supreme court accepts an affidavit 3511
of disqualification for filing under divisions (B) and (C) of 3512
this section and if the chief justice of the supreme court, or 3513
any justice of the supreme court designated by the chief 3514
justice, determines that the interest, bias, prejudice, or 3515
disqualification alleged in the affidavit does not exist, the 3516
chief justice or the designated justice shall issue an entry 3517
denying the affidavit of disqualification. If the chief justice 3518
of the supreme court, or any justice of the supreme court 3519
designated by the chief justice, determines that the interest, 3520
bias, prejudice, or disqualification alleged in the affidavit 3521
exists, the chief justice or the designated justice shall issue 3522
an entry that disqualifies that judge from presiding in the 3523
proceeding and either order that the proceeding be assigned to 3524
another judge of the court of which the disqualified judge is a 3525
member pursuant to the court's random assignment process, to a 3526
judge of another court, or to a retired judge. 3527

Sec. 2705.031. (A) As used in this section, "Title IV-D 3528
case" has the same meaning as in section 3125.01 of the Revised 3529
Code. 3530

(B) (1) Any party who has a legal claim to any support 3531
ordered for a child, spouse, or former spouse may initiate a 3532

contempt action for failure to pay the support. In Title IV-D 3533
cases, the contempt action for failure to pay support also may 3534
be initiated by an attorney retained by the party who has the 3535
legal claim, the prosecuting attorney, or an attorney of the 3536
department of job and family services or the child support 3537
enforcement agency. 3538

(2) Any parent who is granted parenting time ~~rights~~ under 3539
a parenting ~~time order or decree issued pursuant to plan as~~ 3540
~~described in section 3109.051-3109.044~~ or 3109.12 of the Revised 3541
Code, ~~or any person who is granted companionship or visitation~~ 3542
~~rights~~ under a companionship or visitation order or decree 3543
issued pursuant to section ~~3109.051~~3109.054, 3109.11, or 3109.12 3544
of the Revised Code or pursuant to any other provision of the 3545
Revised Code, ~~or any other person who is subject to any~~ 3546
~~parenting time or visitation order or decree~~, may initiate a 3547
contempt action for a failure to comply with, or an interference 3548
with, the order or decree. 3549

(C) In any contempt action initiated pursuant to division 3550
(B) of this section, the accused shall appear upon the summons 3551
and order to appear that is issued by the court. The summons 3552
shall include all of the following: 3553

(1) Notice that failure to appear may result in the 3554
issuance of an order of arrest, and in cases involving alleged 3555
failure to pay support, the issuance of an order for the payment 3556
of support by withholding an amount from the personal earnings 3557
of the accused or by withholding or deducting an amount from 3558
some other asset of the accused; 3559

(2) Notice that the accused has a right to counsel, and 3560
that if indigent, the accused must apply for a public defender 3561
or court appointed counsel within three business days after 3562

receipt of the summons; 3563

(3) Notice that the court may refuse to grant a 3564
continuance at the time of the hearing for the purpose of the 3565
accused obtaining counsel, if the accused fails to make a good 3566
faith effort to retain counsel or to obtain a public defender; 3567

(4) Notice of the potential penalties that could be 3568
imposed upon the accused, if the accused is found guilty of 3569
contempt for failure to pay support or for a failure to comply 3570
with, or an interference with, a-parenting time under a 3571
parenting plan or a companionship or visitation order ~~or decree~~; 3572

(5) Notice that the court may grant limited driving 3573
privileges under section 4510.021 of the Revised Code pursuant 3574
to a request made by the accused, if the driver's license was 3575
suspended based on a notice issued pursuant to section 3123.54 3576
of the Revised Code by the child support enforcement agency and 3577
if the request is accompanied by a recent noncertified copy of a 3578
driver's abstract from the registrar of motor vehicles. 3579

(D) If the accused is served as required by the Rules of 3580
Civil Procedure or by any special statutory proceedings that are 3581
relevant to the case, the court may order the attachment of the 3582
person of the accused upon failure to appear as ordered by the 3583
court. 3584

(E) The imposition of any penalty for contempt under 3585
section 2705.05 of the Revised Code shall not eliminate any 3586
obligation of the accused to pay any past, present, or future 3587
support obligation or any obligation of the accused to comply 3588
with or refrain from interfering with the-parenting time under a 3589
parenting plan or a companionship or visitation order ~~or decree~~. 3590
The court shall have jurisdiction to make a finding of contempt 3591

for the failure to pay support and to impose the penalties set 3592
forth in section 2705.05 of the Revised Code in all cases in 3593
which past due support is at issue even if the duty to pay 3594
support has terminated, and shall have jurisdiction to make a 3595
finding of contempt for a failure to comply with, or an 3596
interference with, ~~a~~ parenting time under a parenting plan or a 3597
companionship or visitation order ~~or decree~~ and to impose the 3598
penalties set forth in section 2705.05 of the Revised Code in 3599
all cases in which the failure or interference is at issue even 3600
if the parenting time or companionship or visitation order or 3601
decree no longer is in effect. 3602

Sec. 2901.30. (A) As used in sections 2901.30 to 2901.32 3603
of the Revised Code: 3604

(1) "Information" means information that can be integrated 3605
into the computer system and that relates to the physical or 3606
mental description of a minor including, but not limited to, 3607
height, weight, color of hair and eyes, use of eyeglasses or 3608
contact lenses, skin coloring, physical or mental disabilities, 3609
special medical conditions or needs, abnormalities, problems, 3610
scars and marks, and distinguishing characteristics, and other 3611
information that could assist in identifying a minor including, 3612
but not limited to, full name and nickname, date and place of 3613
birth, age, names and addresses of parents and other relatives, 3614
fingerprints, dental records, photographs, social security 3615
number, driver's license number, credit card numbers, bank 3616
account numbers, and clothing. 3617

(2) "Minor" means a person under eighteen years of age. 3618

(3) "Missing children" or "missing child" means either of 3619
the following: 3620

(a) A minor who has run away from or who otherwise is 3621
missing from the home of, or the care, custody, and control of, 3622
the minor's parents, parent who is the ~~residential~~-designated 3623
parent and legal custodian, guardian, legal custodian, or other 3624
person having responsibility for the care of the minor; 3625

(b) A minor who is missing and about whom there is reason 3626
to believe the minor could be the victim of a violation of 3627
section 2905.01, 2905.02, 2905.03, or 2919.23 of the Revised 3628
Code or of a violation of section 2905.04 of the Revised Code as 3629
it existed prior to July 1, 1996. 3630

(B) When a law enforcement agency in this state that has 3631
jurisdiction in the matter is informed that a minor is or may be 3632
a missing child and that the person providing the information 3633
wishes to file a missing child report, the law enforcement 3634
agency shall take that report. Upon taking the report, the law 3635
enforcement agency shall take prompt action upon it, including, 3636
but not limited to, concerted efforts to locate the missing 3637
child. No law enforcement agency in this state shall have a rule 3638
or policy that prohibits or discourages the filing of or the 3639
taking of action upon a missing child report, within a specified 3640
period following the discovery or formulation of a belief that a 3641
minor is or could be a missing child. 3642

(C) If a missing child report is made to a law enforcement 3643
agency in this state that has jurisdiction in the matter, the 3644
law enforcement agency shall gather readily available 3645
information about the missing child and integrate it into the 3646
national crime information center computer immediately following 3647
the making of the report. The law enforcement agency shall make 3648
reasonable efforts to acquire additional information about the 3649
missing child following the transmittal of the initially 3650

available information, and promptly integrate any additional 3651
information acquired into such computer systems. 3652

Whenever a law enforcement agency integrates information 3653
about a missing child into the national crime information center 3654
computer, the law enforcement agency promptly shall notify the 3655
missing child's parents, parent who is the ~~residential-~~ 3656
designated parent and legal custodian, guardian, or legal 3657
custodian, or any other person responsible for the care of the 3658
missing child, that it has so integrated the information. 3659

The parents, parent who is the ~~residential-designated~~ 3660
parent and legal custodian, guardian, legal custodian, or other 3661
person responsible for the care of the missing child shall 3662
provide available information upon request, and may provide 3663
information voluntarily, to the law enforcement agency during 3664
the information gathering process. The law enforcement agency 3665
also may obtain available information about the missing child 3666
from other persons, subject to constitutional and statutory 3667
limitations. 3668

(D) Upon the filing of a missing child report, the law 3669
enforcement agency involved may notify the public or nonpublic 3670
school in which the missing child is or was most recently 3671
enrolled, as ascertained by the agency, that the child is the 3672
subject of a missing child report and that the child's school 3673
records are to be marked in accordance with section 3313.672 of 3674
the Revised Code. 3675

(E) Upon the filing of a missing child report, the law 3676
enforcement agency involved promptly shall make a reasonable 3677
attempt to notify other law enforcement agencies within its 3678
county and, if the agency has jurisdiction in a municipal 3679
corporation or township that borders another county, to notify 3680

the law enforcement agency for the municipal corporation or 3681
township in the other county with which it shares the border, 3682
that it has taken a missing child report and may be requesting 3683
assistance or cooperation in the case, and provide relevant 3684
information to the other law enforcement agencies. The agency 3685
may notify additional law enforcement agencies, or appropriate 3686
public children services agencies, about the case, request their 3687
assistance or cooperation in the case, and provide them with 3688
relevant information. 3689

Upon request from a law enforcement agency, a public 3690
children services agency shall grant the law enforcement agency 3691
access to all information concerning a missing child that the 3692
agency possesses that may be relevant to the law enforcement 3693
agency in investigating a missing child report concerning that 3694
child. The information obtained by the law enforcement agency 3695
shall be used only to further the investigation to locate the 3696
missing child. 3697

(F) Upon request, law enforcement agencies in this state 3698
shall provide assistance to, and cooperate with, other law 3699
enforcement agencies in their investigation of missing child 3700
cases. The assistance and cooperation under this paragraph shall 3701
be pursuant to any terms agreed upon by the law enforcement 3702
agencies, which may include the provision of law enforcement 3703
services or the use of law enforcement equipment or the 3704
interchange of services and equipment among the cooperating law 3705
enforcement agencies. Chapter 2744. of the Revised Code, insofar 3706
as it applies to the operation of law enforcement agencies, 3707
shall apply to the cooperating political subdivisions and to the 3708
law enforcement agency employees when they are rendering 3709
services pursuant to this paragraph outside the territory of the 3710
political subdivision by which they are employed. Law 3711

enforcement agency employees rendering services outside the 3712
territory of the political subdivision in which they are 3713
employed, pursuant to this paragraph, shall be entitled to 3714
participate in any indemnity fund established by their employer 3715
to the same extent as if they were rendering service within the 3716
territory of their employing political subdivision. Those law 3717
enforcement agency employees also shall be entitled to all the 3718
rights and benefits of Chapter 4123. of the Revised Code to the 3719
same extent as if rendering services within the territory of 3720
their employing political subdivision. 3721

The information in any missing child report made to a law 3722
enforcement agency shall be made available, upon request, to law 3723
enforcement personnel of this state, other states, and the 3724
federal government when the law enforcement personnel indicate 3725
that the request is to aid in identifying or locating a missing 3726
child or the possible identification of a deceased minor who, 3727
upon discovery, cannot be identified. 3728

(G) When a missing child has not been located within 3729
thirty days after the date on which the missing child report 3730
pertaining to the child was filed with a law enforcement agency, 3731
that law enforcement agency shall request the missing child's 3732
parents, parent who is the ~~residential~~-designated parent and 3733
legal custodian, guardian, or legal custodian, or any other 3734
person responsible for the care of the missing child, to provide 3735
written consent for the law enforcement agency to contact the 3736
missing child's dentist and request the missing child's dental 3737
records. Upon receipt of such written consent, the dentist shall 3738
release a copy of the missing child's dental records to the law 3739
enforcement agency and shall provide and encode the records in 3740
such form as requested by the law enforcement agency. The law 3741
enforcement agency then shall integrate information in the 3742

records into the national crime information center computer in 3743
order to compare the records to those of unidentified deceased 3744
persons. This division does not prevent a law enforcement agency 3745
from seeking consent to obtain copies of a missing child's 3746
dental records, or prevent a missing child's parents, parent who 3747
is the ~~residential-designated~~ parent and legal custodian, 3748
guardian, or legal custodian, or any other person responsible 3749
for the care of the missing child, from granting consent for the 3750
release of copies of the missing child's dental records to a law 3751
enforcement agency, at any time. 3752

(H) A missing child's parents, parent who is the 3753
~~residential-designated~~ parent and legal custodian, guardian, or 3754
legal custodian, or any other persons responsible for the care 3755
of a missing child, immediately shall notify the law enforcement 3756
agency with which they filed the missing child report whenever 3757
the child has returned to their home or to their care, custody, 3758
and control, has been released if the missing child was the 3759
victim of an offense listed in division (A) (3) (b) of this 3760
section, or otherwise has been located. Upon such notification 3761
or upon otherwise learning that a missing child has returned to 3762
the home of, or to the care, custody, and control of the missing 3763
child's parents, parent who is the ~~residential-designated~~ parent 3764
and legal custodian, guardian, legal custodian, or other person 3765
responsible for the missing child's care, has been released if 3766
the missing child was the victim of an offense listed in 3767
division (A) (3) (b) of this section, or otherwise has been 3768
located, the law enforcement agency involved promptly shall 3769
integrate the fact that the minor no longer is a missing child 3770
into the national crime information center computer and shall 3771
inform any school that was notified under division (D) of this 3772
section that the minor is no longer a missing child. 3773

Sec. 3101.041. In determining whether to file the consent 3774
under section 3101.04 of the Revised Code, the juvenile court 3775
shall do all of the following: 3776

(A) Consult with any of the following for each party to 3777
the intended marriage who is seventeen years of age: 3778

(1) A parent; 3779

(2) A surviving parent; 3780

(3) A parent who is the designated ~~the residential~~ parent 3781
and legal custodian by a court of competent jurisdiction; 3782

(4) A guardian; 3783

(5) Either of the following who has been awarded permanent 3784
custody by a court exercising juvenile jurisdiction: 3785

(a) An adult person; 3786

(b) The department of children and youth or any child 3787
welfare organization certified by the department. 3788

(B) Appoint an attorney as guardian ad litem for each 3789
party to the intended marriage who is seventeen years of age; 3790

(C) Determine all of the following: 3791

(1) Each party to the intended marriage who is seventeen 3792
years of age has entered the armed services of the United 3793
States, has become employed and self-subsisting, or has 3794
otherwise become independent from the care and control of the 3795
party's parent, guardian, or custodian. 3796

(2) For each party to the intended marriage who is 3797
seventeen years of age, the decision of that party to marry is 3798
free from force or coercion. 3799

(3) The intended marriage and the emancipation under 3800
section 3101.042 of the Revised Code is in the best interests of 3801
each party to the intended marriage who is seventeen years of 3802
age. 3803

Sec. 3105.011. (A) The court of common pleas including 3804
divisions of courts of domestic relations, has full equitable 3805
powers and jurisdiction appropriate to the determination of all 3806
domestic relations matters. This section is not a determination 3807
by the general assembly that such equitable powers and 3808
jurisdiction do not exist with respect to any such matter. 3809

(B) For purposes of this section, "domestic relations 3810
matters" means both of the following: 3811

(1) Any matter committed to the jurisdiction of the 3812
division of domestic relations of common pleas courts under 3813
section 2301.03 of the Revised Code, as well as a complaint for 3814
child support and allocation of ~~parental rights and parenting~~ 3815
responsibilities, including the enforcement and modification of 3816
such orders; 3817

(2) Actions and proceedings under Chapters 3105., 3109., 3818
3111., 3113., 3115., 3119., 3121., 3123., 3125., and 3127. of 3819
the Revised Code, actions pursuant to section 2151.231 of the 3820
Revised Code, all actions removed from the jurisdiction of the 3821
juvenile court pursuant to section 2151.233 of the Revised Code, 3822
and all matters transferred by the juvenile court pursuant to 3823
section 2151.235 of the Revised Code. 3824

Sec. 3105.21. (A) Upon ~~satisfactory proof of the causes in~~ 3825
~~the complaint for granting a divorce, annulment, dissolution of~~ 3826
~~marriage,~~ or legal separation, the court of common pleas shall 3827
make an order for the disposition, care, and maintenance of the 3828

children of the marriage, as is in their best interests, and in 3829
accordance with ~~section~~ sections 3109.04 to 3109.0498 of the 3830
Revised Code. 3831

(B) Upon the failure of proof of the causes in the 3832
complaint, the court may make the order for the disposition, 3833
care, and maintenance of any dependent child of the marriage as 3834
is in the child's best interest, and in accordance with ~~section~~ 3835
sections 3109.04 to 3109.0498 of the Revised Code. 3836

(C) Any court of common pleas that makes or modifies an 3837
order for child support under this section shall comply with 3838
Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If 3839
any person required to pay child support under an order made 3840
under this section on or after April 15, 1985, or modified on or 3841
after December 1, 1986, is found in contempt of court for 3842
failure to make support payments under the order, the court that 3843
makes the finding, in addition to any other penalty or remedy 3844
imposed, shall assess all court costs arising out of the 3845
contempt proceeding against the person and require the person to 3846
pay any reasonable attorney's fees of any adverse party, as 3847
determined by the court, that arose in relation to the act of 3848
contempt. 3849

Sec. 3105.63. (A) (1) A petition for dissolution of 3850
marriage shall be signed by both spouses and shall have attached 3851
and incorporated a separation agreement agreed to by both 3852
spouses. The separation agreement shall provide for a division 3853
of all property; spousal support; ~~if there are minor children of~~ 3854
~~the marriage, the allocation of parental rights and~~ 3855
~~responsibilities for the care of the minor children, the~~ 3856
~~designation of a residential parent and legal custodian of the~~ 3857
~~minor children, child support, and parenting time rights; and,~~ 3858

if the spouses so desire, an authorization for the court to 3859
modify the amount or terms of spousal support, or the division 3860
of property, provided in the separation agreement. If there are 3861
minor children of the marriage, the spouses ~~may~~ shall address 3862
the allocation of ~~the parental rights and parenting~~ 3863
responsibilities ~~for the care of the minor children by including~~ 3864
~~in attaching a parenting plan to~~ the separation agreement ~~a plan~~ 3865
under which both parents will ~~have shared rights and~~ share 3866
parenting responsibilities for the care of the minor children. 3867
The spouses shall file the plan with the petition for 3868
dissolution of marriage and shall include in the plan the 3869
provisions described in ~~division (C) of section 3109.04~~ 3109.044 3870
of the Revised Code. 3871

(2) The division of property in the separation agreement 3872
shall include any participant account, as defined in section 3873
148.01 of the Revised Code, of either of the spouses, to the 3874
extent of the following: 3875

(a) The moneys that have been deferred by a continuing 3876
member or participating employee, as defined in that section, 3877
and that have been transmitted to the Ohio public employees 3878
deferred compensation board during the marriage and any income 3879
that is derived from the investment of those moneys during the 3880
marriage; 3881

(b) The moneys that have been deferred by an officer or 3882
employee of a municipal corporation and that have been 3883
transmitted to the governing board, administrator, depository, 3884
or trustee of the deferred compensation program of the municipal 3885
corporation during the marriage and any income that is derived 3886
from the investment of those moneys during the marriage; 3887

(c) The moneys that have been deferred by an officer or 3888

employee of a government unit, as defined in section 148.06 of 3889
the Revised Code, and that have been transmitted to the 3890
governing board, as defined in that section, during the marriage 3891
and any income that is derived from the investment of those 3892
moneys during the marriage. 3893

(3) The separation agreement shall not require or permit 3894
the division or disbursement of the moneys and income described 3895
in division (A) (2) of this section to occur in a manner that is 3896
inconsistent with the law, rules, or plan governing the deferred 3897
compensation program involved or prior to the time that the 3898
spouse in whose name the participant account is maintained 3899
commences receipt of the moneys and income credited to the 3900
account in accordance with that law, rules, and plan. 3901

(B) An amended separation agreement may be filed at any 3902
time prior to or during the hearing on the petition for 3903
dissolution of marriage. Upon receipt of a petition for 3904
dissolution of marriage, the court may cause an investigation to 3905
be made pursuant to the Rules of Civil Procedure. 3906

(C) (1) If a petition for dissolution of marriage contains 3907
an authorization for the court to modify the amount or terms of 3908
spousal support provided in the separation agreement, the 3909
modification shall be in accordance with section 3105.18 of the 3910
Revised Code. 3911

(2) If a petition for dissolution of marriage contains an 3912
authorization for the court to modify the division of property 3913
provided in the separation agreement, the modification shall be 3914
made with the express written consent or agreement of both 3915
spouses. 3916

Sec. 3105.65. (A) If, at the time of the hearing, either 3917

spouse is not satisfied with the separation agreement or does 3918
not wish a dissolution of the marriage and if neither spouse 3919
files a motion pursuant to division (C) of this section to 3920
convert the action to an action for divorce, the court shall 3921
dismiss the petition and refuse to validate the proposed 3922
separation agreement. 3923

(B) If, upon review of the testimony of both spouses and 3924
of the report of the investigator pursuant to the Rules of Civil 3925
Procedure, the court approves the separation agreement and any 3926
amendments to it agreed upon by the parties, it shall grant a 3927
decree of dissolution of marriage that incorporates the 3928
separation agreement. If the separation agreement contains a 3929
~~plan for the exercise of shared a parenting by the spouses~~plan, 3930
the court shall review the plan in accordance with the 3931
provisions of ~~division (D) (1) of section 3109.04~~ sections 3932
3109.046 and 3109.049 of the Revised Code that govern the review 3933
of a pleading or motion requesting ~~shared a parenting plan~~ 3934
jointly submitted by both spouses to a marriage. A decree of 3935
dissolution of marriage has the same effect upon the property 3936
rights of the parties, including rights of dower and 3937
inheritance, as a decree of divorce. The court has full power to 3938
enforce its decree and retains jurisdiction to modify all 3939
matters pertaining to the allocation of ~~parental rights and~~ 3940
~~parenting responsibilities for the care of the children,~~ to the 3941
designation of a ~~residential designated~~ parent and legal 3942
custodian of the children, to child support, to parenting time 3943
of parents or legal custodians with the children, and to 3944
companionship or visitation for persons who are not the 3945
children's parents. The court, only in accordance with division 3946
(E) (2) of section 3105.18 of the Revised Code, may modify the 3947
amount or terms of spousal support. The court may modify the 3948

division of property provided in the separation agreement only 3949
upon the express written consent or agreement of both spouses. 3950

(C) At any time before a decree of dissolution of marriage 3951
has been granted under division (B) of this section, either 3952
spouse may convert the action for dissolution of marriage into a 3953
divorce action by filing a motion with the court in which the 3954
action for dissolution of marriage is pending for conversion of 3955
the action for dissolution of marriage. The motion shall contain 3956
a complaint for divorce that contains grounds for a divorce and 3957
that otherwise complies with the Rules of Civil Procedure and 3958
this chapter. The divorce action then shall proceed in 3959
accordance with the Rules of Civil Procedure in the same manner 3960
as if the motion had been the original complaint in the action, 3961
including, but not limited to, the issuance and service of 3962
summons pursuant to Civil Rules 4 to 4.6, except that no court 3963
fees shall be charged upon conversion of the action for 3964
dissolution of marriage into a divorce action under this 3965
division. 3966

Sec. 3109.03. ~~When husband and wife are living separate~~ 3967
~~and apart from each other, or are divorced, and the question as~~ 3968
~~to the parental rights and issue of parenting responsibilities~~ 3969
~~for the care of their children and the place of residence and~~ 3970
~~legal custodian of their children is brought before a court of~~ 3971
~~competent jurisdiction, they shall stand upon an equality as to~~ 3972
~~the parental rights and responsibilities for the care of their~~ 3973
~~children and the place of residence and legal custodian of their~~ 3974
~~children, so far as parenthood is involved~~ the best interest of a 3975
child shall be paramount. The court shall not give preference to 3976
a parent or legal custodian because of that parent's or legal 3977
custodian's financial status or gender. 3978

Sec. 3109.04. (A) ~~In any divorce, legal separation, or~~ 3979
~~annulment proceeding and in any proceeding pertaining to the~~ 3980
~~allocation of parental rights and responsibilities for the care~~ 3981
~~of a child, upon hearing the testimony of either or both parents~~ 3982
~~and considering any mediation report filed pursuant to section~~ 3983
~~3109.052 of the Revised Code and in accordance with sections~~ 3984
~~3127.01 to 3127.53 of the Revised Code, the court shall allocate~~ 3985
~~the parental rights and responsibilities for the care of the~~ 3986
~~minor children of the marriage. Subject to division (D) (2) of~~ 3987
~~this section, the court may allocate the parental rights and~~ 3988
~~responsibilities for the care of the children in either of the~~ 3989
~~following ways:~~ 3990

~~(1) If neither parent files a pleading or motion in~~ 3991
~~accordance with division (G) of this section, if at least one~~ 3992
~~parent files a pleading or motion under that division but no~~ 3993
~~parent who filed a pleading or motion under that division also~~ 3994
~~files a plan for shared parenting, or if at least one parent~~ 3995
~~files both a pleading or motion and a shared parenting plan~~ 3996
~~under that division but no plan for shared parenting is in the~~ 3997
~~best interest of the children, the court, in a manner consistent~~ 3998
~~with the best interest of the children, shall allocate the~~ 3999
~~parental rights and responsibilities for the care of the~~ 4000
~~children primarily to one of the parents, designate that parent~~ 4001
~~as the residential parent and the legal custodian of the child,~~ 4002
~~and divide between the parents the other rights and~~ 4003
~~responsibilities for the care of the children, including, but~~ 4004
~~not limited to, the responsibility to provide support for the~~ 4005
~~children and the right of the parent who is not the residential~~ 4006
~~parent to have continuing contact with the children.~~ 4007

~~(2) If at least one parent files a pleading or motion in~~ 4008
~~accordance with division (G) of this section and a plan for~~ 4009

~~shared parenting pursuant to that division and if a plan for~~ 4010
~~shared parenting is in the best interest of the children and is~~ 4011
~~approved by the court in accordance with division (D) (1) of this~~ 4012
~~section, the court may allocate the parental rights and~~ 4013
~~responsibilities for the care of the children to both parents~~ 4014
~~and issue a shared parenting order requiring the parents to~~ 4015
~~share all or some of the aspects of the physical and legal care~~ 4016
~~of the children in accordance with the approved plan for shared~~ 4017
~~parenting. If the court issues a shared parenting order under~~ 4018
~~this division and it is necessary for the purpose of receiving~~ 4019
~~public assistance, the court shall designate which one of the~~ 4020
~~parents' residences is to serve as the child's home. The child~~ 4021
~~support obligations of the parents under a shared parenting~~ 4022
~~order issued under this division shall be determined in~~ 4023
~~accordance with Chapters 3119., 3121., 3123., and 3125. of the~~ 4024
~~Revised Code.~~ 4025

~~(B) (1) When making the allocation of the parental rights~~ 4026
~~and responsibilities for the care of the children under this~~ 4027
~~section in an original proceeding or in any proceeding for~~ 4028
~~modification of a prior order of the court making the~~ 4029
~~allocation, the court shall take into account that which would~~ 4030
~~be in the best interest of the children. In determining the~~ 4031
~~child's best interest for purposes of making its allocation of~~ 4032
~~the parental rights and responsibilities for the care of the~~ 4033
~~child and for purposes of resolving any issues related to the~~ 4034
~~making of that allocation, the court, in its discretion, may~~ 4035
~~and, upon the request of either party, shall interview in~~ 4036
~~chambers any or all of the involved children regarding their~~ 4037
~~wishes and concerns with respect to the allocation.~~ 4038

~~(2) If the court interviews any child pursuant to division~~ 4039
~~(B) (1) of this section, all of the following apply:~~ 4040

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

~~(b) The court first shall determine the reasoning ability
of the child. If the court determines that the child does not
have sufficient reasoning ability to express the child's wishes
and concern with respect to the allocation of parental rights
and responsibilities for the care of the child, it shall not
determine the child's wishes and concerns with respect to the
allocation. If the court determines that the child has
sufficient reasoning ability to express the child's wishes or
concerns with respect to the allocation, it then shall determine
whether, because of special circumstances, it would not be in
the best interest of the child to determine the child's wishes
and concerns with respect to the allocation. If the court
determines that, because of special circumstances, it would not
be in the best interest of the child to determine the child's
wishes and concerns with respect to the allocation, it shall not
determine the child's wishes and concerns with respect to the
allocation and shall enter its written findings of fact and
opinion in the journal. If the court determines that it would be
in the best interests of the child to determine the child's
wishes and concerns with respect to the allocation, it shall
proceed to make that determination.~~

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

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

~~child a written or recorded statement or affidavit setting forth~~ 4071
~~the child's wishes and concerns regarding the allocation of~~ 4072
~~parental rights and responsibilities concerning the child. No~~ 4073
~~court, in determining the child's best interest for purposes of~~ 4074
~~making its allocation of the parental rights and~~ 4075
~~responsibilities for the care of the child or for purposes of~~ 4076
~~resolving any issues related to the making of that allocation,~~ 4077
~~shall accept or consider a written or recorded statement or~~ 4078
~~affidavit that purports to set forth the child's wishes and~~ 4079
~~concerns regarding those matters.~~ 4080

~~(C) Prior to trial, the court may cause an investigation~~ 4081
~~to be made as to the character, family relations, past conduct,~~ 4082
~~earning ability, and financial worth of each parent and may~~ 4083
~~order the parents and their minor children to submit to medical,~~ 4084
~~psychological, and psychiatric examinations. The report of the~~ 4085
~~investigation and examinations shall be made available to either~~ 4086
~~parent or the parent's counsel of record not less than five days~~ 4087
~~before trial, upon written request. The report shall be signed~~ 4088
~~by the investigator, and the investigator shall be subject to~~ 4089
~~cross-examination by either parent concerning the contents of~~ 4090
~~the report. The court may tax as costs all or any part of the~~ 4091
~~expenses for each investigation.~~ 4092

~~If the court determines that either parent previously has~~ 4093
~~been convicted of or pleaded guilty to any criminal offense~~ 4094
~~involving any act that resulted in a child being a neglected~~ 4095
~~child, that either parent previously has been determined to be~~ 4096
~~the perpetrator of the neglectful act that is the basis of an~~ 4097
~~adjudication that a child is a neglected child, or that there is~~ 4098
~~reason to believe that either parent has acted in a manner~~ 4099
~~resulting in a child being a neglected child, the court shall~~ 4100
~~consider that fact against naming that parent the residential~~ 4101

~~parent and against granting a shared parenting decree. When the~~ 4102
~~court allocates parental rights and responsibilities for the~~ 4103
~~care of children or determines whether to grant shared parenting~~ 4104
~~in any proceeding, it shall consider whether either parent or~~ 4105
~~any member of the household of either parent has been convicted~~ 4106
~~of or pleaded guilty to a violation of section 2919.25 of the~~ 4107
~~Revised Code or a sexually oriented offense involving a victim~~ 4108
~~who at the time of the commission of the offense was a member of~~ 4109
~~the family or household that is the subject of the proceeding,~~ 4110
~~has been convicted of or pleaded guilty to any sexually oriented~~ 4111
~~offense or other offense involving a victim who at the time of~~ 4112
~~the commission of the offense was a member of the family or~~ 4113
~~household that is the subject of the proceeding and caused~~ 4114
~~physical harm to the victim in the commission of the offense, or~~ 4115
~~has been determined to be the perpetrator of the abusive act~~ 4116
~~that is the basis of an adjudication that a child is an abused~~ 4117
~~child. If the court determines that either parent has been~~ 4118
~~convicted of or pleaded guilty to a violation of section 2919.25~~ 4119
~~of the Revised Code or a sexually oriented offense involving a~~ 4120
~~victim who at the time of the commission of the offense was a~~ 4121
~~member of the family or household that is the subject of the~~ 4122
~~proceeding, has been convicted of or pleaded guilty to any~~ 4123
~~sexually oriented offense or other offense involving a victim~~ 4124
~~who at the time of the commission of the offense was a member of~~ 4125
~~the family or household that is the subject of the proceeding~~ 4126
~~and caused physical harm to the victim in the commission of the~~ 4127
~~offense, or has been determined to be the perpetrator of the~~ 4128
~~abusive act that is the basis of an adjudication that a child is~~ 4129
~~an abused child, it may designate that parent as the residential~~ 4130
~~parent and may issue a shared parenting decree or order only if~~ 4131
~~it determines that it is in the best interest of the child to~~ 4132
~~name that parent the residential parent or to issue a shared~~ 4133

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

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

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~~(i) If both parents jointly make the request in their
pleadings or jointly file the motion and also jointly file the
plan, the court shall review the parents' plan to determine if
it is in the best interest of the children. If the court
determines that the plan is in the best interest of the
children, the court shall approve it. If the court determines
that the plan or any part of the plan is not in the best
interest of the children, the court shall require the parents to
make appropriate changes to the plan to meet the court's
objections to it. If changes to the plan are made to meet the
court's objections, and if the new plan is in the best interest
of the children, the court shall approve the plan. If changes to
the plan are not made to meet the court's objections, or if the
parents attempt to make changes to the plan to meet the court's
objections, but the court determines that the new plan or any
part of the new plan still is not in the best interest of the
children, the court may reject the portion of the parents'
pleadings or deny their motion requesting shared parenting of
the children and proceed as if the request in the pleadings or
the motion had not been made. The court shall not approve a plan
under this division unless it determines that the plan is in the
best interest of the children.~~

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~~(ii) If each parent makes a request in the parent's~~ 4164
~~pleadings or files a motion and each also files a separate plan,~~ 4165
~~the court shall review each plan filed to determine if either is~~ 4166
~~in the best interest of the children. If the court determines~~ 4167
~~that one of the filed plans is in the best interest of the~~ 4168
~~children, the court may approve the plan. If the court~~ 4169
~~determines that neither filed plan is in the best interest of~~ 4170
~~the children, the court may order each parent to submit~~ 4171
~~appropriate changes to the parent's plan or both of the filed~~ 4172
~~plans to meet the court's objections, or may select one of the~~ 4173
~~filed plans and order each parent to submit appropriate changes~~ 4174
~~to the selected plan to meet the court's objections. If changes~~ 4175
~~to the plan or plans are submitted to meet the court's~~ 4176
~~objections, and if any of the filed plans with the changes is in~~ 4177
~~the best interest of the children, the court may approve the~~ 4178
~~plan with the changes. If changes to the plan or plans are not~~ 4179
~~submitted to meet the court's objections, or if the parents~~ 4180
~~submit changes to the plan or plans to meet the court's~~ 4181
~~objections but the court determines that none of the filed plans~~ 4182
~~with the submitted changes is in the best interest of the~~ 4183
~~children, the court may reject the portion of the parents'~~ 4184
~~pleadings or deny their motions requesting shared parenting of~~ 4185
~~the children and proceed as if the requests in the pleadings or~~ 4186
~~the motions had not been made. If the court approves a plan~~ 4187
~~under this division, either as originally filed or with~~ 4188
~~submitted changes, or if the court rejects the portion of the~~ 4189
~~parents' pleadings or denies their motions requesting shared~~ 4190
~~parenting under this division and proceeds as if the requests in~~ 4191
~~the pleadings or the motions had not been made, the court shall~~ 4192
~~enter in the record of the case findings of fact and conclusions~~ 4193
~~of law as to the reasons for the approval or the rejection or~~ 4194
~~denial. Division (D)(1)(b) of this section applies in relation~~ 4195

~~to the approval or disapproval of a plan under this division.~~ 4196

~~(iii) If each parent makes a request in the parent's~~ 4197
~~pleadings or files a motion but only one parent files a plan, or~~ 4198
~~if only one parent makes a request in the parent's pleadings or~~ 4199
~~files a motion and also files a plan, the court in the best~~ 4200
~~interest of the children may order the other parent to file a~~ 4201
~~plan for shared parenting in accordance with division (C) of~~ 4202
~~this section. The court shall review each plan filed to~~ 4203
~~determine if any plan is in the best interest of the children.~~ 4204
~~If the court determines that one of the filed plans is in the~~ 4205
~~best interest of the children, the court may approve the plan.~~ 4206
~~If the court determines that no filed plan is in the best~~ 4207
~~interest of the children, the court may order each parent to~~ 4208
~~submit appropriate changes to the parent's plan or both of the~~ 4209
~~filed plans to meet the court's objections or may select one~~ 4210
~~filed plan and order each parent to submit appropriate changes~~ 4211
~~to the selected plan to meet the court's objections. If changes~~ 4212
~~to the plan or plans are submitted to meet the court's~~ 4213
~~objections, and if any of the filed plans with the changes is in~~ 4214
~~the best interest of the children, the court may approve the~~ 4215
~~plan with the changes. If changes to the plan or plans are not~~ 4216
~~submitted to meet the court's objections, or if the parents~~ 4217
~~submit changes to the plan or plans to meet the court's~~ 4218
~~objections but the court determines that none of the filed plans~~ 4219
~~with the submitted changes is in the best interest of the~~ 4220
~~children, the court may reject the portion of the parents'~~ 4221
~~pleadings or deny the parents' motion or reject the portion of~~ 4222
~~the parents' pleadings or deny their motions requesting shared~~ 4223
~~parenting of the children and proceed as if the request or~~ 4224
~~requests or the motion or motions had not been made. If the~~ 4225
~~court approves a plan under this division, either as originally~~ 4226

~~filed or with submitted changes, or if the court rejects the~~ 4227
~~portion of the pleadings or denies the motion or motions~~ 4228
~~requesting shared parenting under this division and proceeds as~~ 4229
~~if the request or requests or the motion or motions had not been~~ 4230
~~made, the court shall enter in the record of the case findings~~ 4231
~~of fact and conclusions of law as to the reasons for the~~ 4232
~~approval or the rejection or denial. Division (D) (1) (b) of this~~ 4233
~~section applies in relation to the approval or disapproval of a~~ 4234
~~plan under this division.~~ 4235

~~(b) The approval of a plan under division (D) (1) (a) (ii) or~~ 4236
~~(iii) of this section is discretionary with the court. The court~~ 4237
~~shall not approve more than one plan under either division and~~ 4238
~~shall not approve a plan under either division unless it~~ 4239
~~determines that the plan is in the best interest of the~~ 4240
~~children. If the court, under either division, does not~~ 4241
~~determine that any filed plan or any filed plan with submitted~~ 4242
~~changes is in the best interest of the children, the court shall~~ 4243
~~not approve any plan.~~ 4244

~~(c) Whenever possible, the court shall require that a~~ 4245
~~shared parenting plan approved under division (D) (1) (a) (i),~~ 4246
~~(ii), or (iii) of this section ensure the opportunity for both~~ 4247
~~parents to have frequent and continuing contact with the child,~~ 4248
~~unless frequent and continuing contact with any parent would not~~ 4249
~~be in the best interest of the child.~~ 4250

~~(d) If a court approves a shared parenting plan under~~ 4251
~~division (D) (1) (a) (i), (ii), or (iii) of this section, the~~ 4252
~~approved plan shall be incorporated into a final shared~~ 4253
~~parenting decree granting the parents the shared parenting of~~ 4254
~~the children. Any final shared parenting decree shall be issued~~ 4255
~~at the same time as and shall be appended to the final decree of~~ 4256

~~dissolution, divorce, annulment, or legal separation arising out~~ 4257
~~of the action out of which the question of the allocation of~~ 4258
~~parental rights and responsibilities for the care of the~~ 4259
~~children arose.~~ 4260

~~No provisional shared parenting decree shall be issued in~~ 4261
~~relation to any shared parenting plan approved under division~~ 4262
~~(D) (1) (a) (i), (ii), or (iii) of this section. A final shared~~ 4263
~~parenting decree issued under this division has immediate effect~~ 4264
~~as a final decree on the date of its issuance, subject to~~ 4265
~~modification or termination as authorized by this section.~~ 4266

~~(2) If the court finds, with respect to any child under~~ 4267
~~eighteen years of age, that it is in the best interest of the~~ 4268
~~child for neither parent to be designated the residential parent~~ 4269
~~and legal custodian of the child, it may commit the child to a~~ 4270
~~relative of the child or certify a copy of its findings,~~ 4271
~~together with as much of the record and the further information,~~ 4272
~~in narrative form or otherwise, that it considers necessary or~~ 4273
~~as the juvenile court requests, to the juvenile court for~~ 4274
~~further proceedings, and, upon the certification, the juvenile~~ 4275
~~court has exclusive jurisdiction.~~ 4276

~~(E) (1) (a) The court shall not modify a prior decree~~ 4277
~~allocating parental rights and responsibilities for the care of~~ 4278
~~children unless it finds, based on facts that have arisen since~~ 4279
~~the prior decree or that were unknown to the court at the time~~ 4280
~~of the prior decree, that a change has occurred in the~~ 4281
~~circumstances of the child, the child's residential parent, or~~ 4282
~~either of the parents subject to a shared parenting decree, and~~ 4283
~~that the modification is necessary to serve the best interest of~~ 4284
~~the child. In applying these standards, the court shall retain~~ 4285
~~the residential parent designated by the prior decree or the~~ 4286

~~prior shared parenting decree, unless a modification is in the~~ 4287
~~best interest of the child and one of the following applies:~~ 4288

~~(i) The residential parent agrees to a change in the~~ 4289
~~residential parent or both parents under a shared parenting~~ 4290
~~decree agree to a change in the designation of residential~~ 4291
~~parent.~~ 4292

~~(ii) The child, with the consent of the residential parent~~ 4293
~~or of both parents under a shared parenting decree, has been~~ 4294
~~integrated into the family of the person seeking to become the~~ 4295
~~residential parent.~~ 4296

~~(iii) The harm likely to be caused by a change of~~ 4297
~~environment is outweighed by the advantages of the change of~~ 4298
~~environment to the child.~~ 4299

~~(b) One or both of the parents under a prior decree~~ 4300
~~allocating parental rights and responsibilities for the care of~~ 4301
~~children that is not a shared parenting decree may file a motion~~ 4302
~~requesting that the prior decree be modified to give both~~ 4303
~~parents shared rights and responsibilities for the care of the~~ 4304
~~children. The motion shall include both a request for~~ 4305
~~modification of the prior decree and a request for a shared~~ 4306
~~parenting order that complies with division (G) of this section.~~ 4307
~~Upon the filing of the motion, if the court determines that a~~ 4308
~~modification of the prior decree is authorized under division~~ 4309
~~(E) (1) (a) of this section, the court may modify the prior decree~~ 4310
~~to grant a shared parenting order, provided that the court shall~~ 4311
~~not modify the prior decree to grant a shared parenting order~~ 4312
~~unless the court complies with divisions (A) and (D) (1) of this~~ 4313
~~section and, in accordance with those divisions, approves the~~ 4314
~~submitted shared parenting plan and determines that shared~~ 4315
~~parenting would be in the best interest of the children.~~ 4316

~~(2) In addition to a modification authorized under~~ 4317
~~division (E) (1) of this section:~~ 4318

~~(a) Both parents under a shared parenting decree jointly~~ 4319
~~may modify the terms of the plan for shared parenting approved~~ 4320
~~by the court and incorporated by it into the shared parenting~~ 4321
~~decree. Modifications under this division may be made at any~~ 4322
~~time. The modifications to the plan shall be filed jointly by~~ 4323
~~both parents with the court, and the court shall include them in~~ 4324
~~the plan, unless they are not in the best interest of the~~ 4325
~~children. If the modifications are not in the best interests of~~ 4326
~~the children, the court, in its discretion, may reject the~~ 4327
~~modifications or make modifications to the proposed~~ 4328
~~modifications or the plan that are in the best interest of the~~ 4329
~~children. Modifications jointly submitted by both parents under~~ 4330
~~a shared parenting decree shall be effective, either as~~ 4331
~~originally filed or as modified by the court, upon their~~ 4332
~~inclusion by the court in the plan. Modifications to the plan~~ 4333
~~made by the court shall be effective upon their inclusion by the~~ 4334
~~court in the plan.~~ 4335

~~(b) The court may modify the terms of the plan for shared~~ 4336
~~parenting approved by the court and incorporated by it into the~~ 4337
~~shared parenting decree upon its own motion at any time if the~~ 4338
~~court determines that the modifications are in the best interest~~ 4339
~~of the children or upon the request of one or both of the~~ 4340
~~parents under the decree. Modifications under this division may~~ 4341
~~be made at any time. The court shall not make any modification~~ 4342
~~to the plan under this division, unless the modification is in~~ 4343
~~the best interest of the children.~~ 4344

~~(c) The court may terminate a prior final shared parenting~~ 4345
~~decree that includes a shared parenting plan approved under~~ 4346

~~division (D) (1) (a) (i) of this section upon the request of one or 4347
both of the parents or whenever it determines that shared 4348
parenting is not in the best interest of the children. The court 4349
may terminate a prior final shared parenting decree that 4350
includes a shared parenting plan approved under division (D) (1) 4351
(a) (ii) or (iii) of this section if it determines, upon its own 4352
motion or upon the request of one or both parents, that shared 4353
parenting is not in the best interest of the children. If 4354
modification of the terms of the plan for shared parenting 4355
approved by the court and incorporated by it into the final 4356
shared parenting decree is attempted under division (E) (2) (a) of 4357
this section and the court rejects the modifications, it may 4358
terminate the final shared parenting decree if it determines 4359
that shared parenting is not in the best interest of the 4360
children. 4361~~

~~(d) Upon the termination of a prior final shared parenting 4362
decree under division (E) (2) (c) of this section, the court shall 4363
proceed and issue a modified decree for the allocation of 4364
parental rights and responsibilities for the care of the 4365
children under the standards applicable under divisions (A), 4366
(B), and (C) of this section as if no decree for shared 4367
parenting had been granted and as if no request for shared 4368
parenting ever had been made. 4369~~

~~(F) (1) In determining the best interest of a child 4370
pursuant to this section, whether on an original decree 4371
allocating parental rights and responsibilities for the care of 4372
children or a modification of a decree allocating those rights 4373
and responsibilities, the court shall consider all relevant 4374
factors, including, but not limited to: 4375~~

~~(a) The wishes of the child's parents regarding the 4376~~

~~child's care;~~ 4377

~~(b) If the court has interviewed the child in chambers~~ 4378
~~pursuant to division (B) of this section regarding the child's~~ 4379
~~wishes and concerns as to the allocation of parental rights and~~ 4380
~~responsibilities concerning the child, the wishes and concerns~~ 4381
~~of the child, as expressed to the court;~~ 4382

~~(c) The child's interaction and interrelationship with the~~ 4383
~~child's parents, siblings, and any other person who may~~ 4384
~~significantly affect the child's best interest;~~ 4385

~~(d) The child's adjustment to the child's home, school,~~ 4386
~~and community;~~ 4387

~~(e) The mental and physical health of all persons involved~~ 4388
~~in the situation;~~ 4389

~~(f) The parent more likely to honor and facilitate court-~~ 4390
~~approved parenting time rights or visitation and companionship~~ 4391
~~rights;~~ 4392

~~(g) Whether either parent has failed to make all child~~ 4393
~~support payments, including all arrearages, that are required of~~ 4394
~~that parent pursuant to a child support order under which that~~ 4395
~~parent is an obligor;~~ 4396

~~(h) Whether either parent or any member of the household~~ 4397
~~of either parent previously has been convicted of or pleaded~~ 4398
~~guilty to any criminal offense involving any act that resulted~~ 4399
~~in a child being an abused child or a neglected child; whether~~ 4400
~~either parent, in a case in which a child has been adjudicated~~ 4401
~~an abused child or a neglected child, previously has been~~ 4402
~~determined to be the perpetrator of the abusive or neglectful~~ 4403
~~act that is the basis of an adjudication; whether either parent~~ 4404
~~or any member of the household of either parent previously has~~ 4405

~~been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code or a sexually oriented 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 current proceeding; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any 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 current proceeding and caused physical harm to the victim in the commission of the offense; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;~~

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

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

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

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

~~(b) The ability of each parent to encourage the sharing of love, affection, and contact between the child and the other~~

parent; 4435

~~(c) Any history of, or potential for, child abuse, spouse- 4436~~
~~abuse, other domestic violence, or parental kidnapping by either 4437~~
~~parent; 4438~~

~~(d) The geographic proximity of the parents to each other, 4439~~
~~as the proximity relates to the practical considerations of 4440~~
~~shared parenting; 4441~~

~~(e) The recommendation of the guardian ad litem of the 4442~~
~~child, if the child has a guardian ad litem. 4443~~

~~(3) When allocating parental rights and responsibilities 4444~~
~~for the care of children, the court shall not give preference to 4445~~
~~a parent because of that parent's financial status or condition. 4446~~

~~(C) Either parent or both parents of any children may file 4447~~
~~a pleading or motion with the court requesting the court to 4448~~
~~grant both parents shared parental rights and responsibilities 4449~~
~~for the care of the children in a proceeding held pursuant to 4450~~
~~division (A) of this section. If a pleading or motion requesting 4451~~
~~shared parenting is filed, the parent or parents filing the 4452~~
~~pleading or motion also shall file with the court a plan for the 4453~~
~~exercise of shared parenting by both parents. If each parent 4454~~
~~files a pleading or motion requesting shared parenting but only 4455~~
~~one parent files a plan or if only one parent files a pleading 4456~~
~~or motion requesting shared parenting and also files a plan, the 4457~~
~~other parent as ordered by the court shall file with the court a 4458~~
~~plan for the exercise of shared parenting by both parents. The 4459~~
~~plan for shared parenting shall be filed with the petition for 4460~~
~~dissolution of marriage, if the question of parental rights and 4461~~
~~responsibilities for the care of the children arises out of an 4462~~
~~action for dissolution of marriage, or, in other cases, at a 4463~~

~~time at least thirty days prior to the hearing on the issue of~~ 4464
~~the parental rights and responsibilities for the care of the~~ 4465
~~children. A plan for shared parenting shall include provisions~~ 4466
~~covering all factors that are relevant to the care of the~~ 4467
~~children, including, but not limited to, provisions covering~~ 4468
~~factors such as physical living arrangements, child support~~ 4469
~~obligations, provision for the children's medical and dental~~ 4470
~~care, school placement, and the parent with which the children~~ 4471
~~will be physically located during legal holidays, school~~ 4472
~~holidays, and other days of special importance.~~ 4473

~~(H) If an appeal is taken from a decision of a court that~~ 4474
~~grants or modifies a decree allocating parental rights and~~ 4475
~~responsibilities for the care of children, the court of appeals~~ 4476
~~shall give the case calendar priority and handle it~~ 4477
~~expeditiously.~~ 4478

~~(I) (1) Upon receipt of an order for active military~~ 4479
~~service in the uniformed services, a parent who is subject to an~~ 4480
~~order allocating parental rights and responsibilities or in~~ 4481
~~relation to whom an action to allocate parental rights and~~ 4482
~~responsibilities is pending and who is ordered for active~~ 4483
~~military service shall notify the other parent who is subject to~~ 4484
~~the order or in relation to whom the case is pending of the~~ 4485
~~order for active military service within three days of receiving~~ 4486
~~the military service order.~~ 4487

~~(2) On receipt of the notice described in division (I) (1)~~ 4488
~~of this section, either parent may apply to the court for a~~ 4489
~~hearing to expedite an allocation or modification proceeding so~~ 4490
~~that the court can issue an order before the parent's active~~ 4491
~~military service begins. The application shall include the date~~ 4492
~~on which the active military service begins.~~ 4493

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

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

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

~~(4) At the request of a parent who is ordered for active military service in the uniformed services and who is a subject of a proceeding pertaining to a temporary order for the~~

~~allocation or modification of parental rights and~~ 4524
~~responsibilities, the court shall permit the parent to~~ 4525
~~participate in the proceeding and present evidence by electronic~~ 4526
~~means, including communication by telephone, video, or internet~~ 4527
~~to the extent permitted by the rules of the supreme court of~~ 4528
~~Ohio.~~ 4529

~~(5) A parent who is ordered for active military service in~~ 4530
~~the uniformed services and who is a subject of a proceeding~~ 4531
~~pertaining to the allocation or modification of parental rights~~ 4532
~~and responsibilities shall provide written notice to the court,~~ 4533
~~child support enforcement agency, and the other parent of the~~ 4534
~~date of termination of the parent's active military service not~~ 4535
~~later than thirty days after the date on which the service ends.~~ 4536

~~(J) As used in this section chapter:~~ 4537

(1) "Abused child" has the same meaning as in section 4538
2151.031 of the Revised Code. 4539

~~(2) "Active military service" means service by a member of~~ 4540
~~the uniformed services in compliance with military orders to~~ 4541
~~report for combat operations, contingency operations,~~ 4542
~~peacekeeping operations, a remote tour of duty, or other active~~ 4543
~~service for which the member is required to report unaccompanied~~ 4544
~~by any family member, including any period of illness, recovery~~ 4545
~~from injury, leave, or other lawful absence during that~~ 4546
~~operation, duty, or service.~~ 4547

~~(3)~~ (2) "Child education" means education for a child to 4548
learn information, skills, and techniques for adjusting 4549
positively to parents living apart or terminating their 4550
relationship. 4551

(3) "Companionship or visitation" means the time that a 4552

relative, person who has served as a kinship caregiver, or other 4553
person is responsible for the child under a companionship or 4554
visitation order. 4555

(4) "Co-parent coaching" means a process of personalized 4556
inquiry and feedback that guides separated parents to take 4557
responsibility for reducing conflict; create effective plans for 4558
communication and decision-making; and foster a caring, stable, 4559
and supportive environment for children. 4560

(5) "Counseling" means treatment with a mental health 4561
professional or community program providing mental health, 4562
substance abuse, or other supportive services. 4563

(6) "Dispute resolution" means any process in which a 4564
neutral professional facilitates communication and negotiation 4565
between parties to assist them in reaching a voluntary agreement 4566
regarding their dispute, including arbitration as prescribed in 4567
Chapter 2711. of the Revised Code, co-parent coaching, 4568
mediation, neutral evaluation, and parenting coordination. 4569

(7) "Evaluator" means a person appointed or designated by 4570
the court to conduct inquiries or make recommendations regarding 4571
issues relating to the allocation of parenting responsibilities. 4572

(8) "Guardian ad litem" means a person appointed to assist 4573
a court in its determination of the best interest of a child. 4574

(9) "Kinship caregiver" has the same meaning as in section 4575
5101.85 of the Revised Code. 4576

(10) "Legal custodian" means a person vested with legal 4577
custody of a child by law or awarded by a court of competent 4578
jurisdiction. 4579

(11) "Legal custody" means a legal status that vests in a 4580

person the right to have physical care and control of the child 4581
and to exercise parenting responsibilities as defined in this 4582
section and as authorized by any other section of the Revised 4583
Code or by the court. 4584

(12) "Mediation" means any process in which a mediator 4585
facilitates communication and negotiation between parties to 4586
assist them in reaching a voluntary agreement regarding their 4587
dispute. 4588

(13) "Mediator" means a person with special skills and 4589
training in mediation and who meets the qualifications adopted 4590
by the Supreme Court of Ohio, and by a court of common pleas 4591
pursuant to the Rules of Superintendence for the Courts of Ohio. 4592

(14) "Neglected child" has the same meaning as in section 4593
2151.03 of the Revised Code. 4594

~~(4) "Sexually oriented offense" has the same meaning as in~~ 4595
~~section 2950.01 of the Revised Code.~~ 4596

~~(5)~~ (15) "Neutral evaluation" means a process in which the 4597
parties to a dispute present their claims or defenses and 4598
describe the principal evidence on which their claims or 4599
defenses are based to two neutral third parties who then share 4600
impressions about the strengths and weaknesses of each matter. 4601

(16) "Parent" means a person who is determined to be any 4602
of the following: 4603

(a) A child's mother through the following: 4604

(i) Proof of her having given birth to the child; 4605

(ii) Pursuant to sections 3111.01 to 3111.18 or 3111.20 to 4606
3111.85 of the Revised Code; 4607

(iii) Proof of adoption or pursuant to Chapter 3107. of 4608
the Revised Code. 4609

(b) A child's father through the following: 4610

(i) An acknowledgement of paternity under sections 3111.20 4611
to 3111.35 of the Revised Code; 4612

(ii) Pursuant to sections 3111.01 to 3111.18 or 3111.38 to 4613
3111.54 of the Revised Code; 4614

(iii) Proof of adoption or pursuant to Chapter 3107. of 4615
the Revised Code. 4616

(17) "Parenting coordination" means a child-focused 4617
dispute resolution process ordered by a court to assist parties 4618
in implementing a parenting plan or companionship or visitation 4619
using assessment, education, case management, conflict 4620
management, coaching, or decision-making. 4621

(18) "Parent education" means education for parents and 4622
legal custodians living apart or terminating their relationship 4623
to learn information and skills to minimize potential negative 4624
effects on children, promote positive adjustment during the 4625
process, and teach parents and legal custodians how to parent 4626
cooperatively. 4627

(19) "Parenting plan" means a plan to allocate the 4628
parenting responsibilities of parents or a legal custodian that 4629
meets the requirements of section 3109.044 of the Revised Code. 4630

(20) "Parenting responsibilities" include all of the 4631
following: 4632

(a) Providing for the physical and emotional safety and 4633
well-being of a child, including physical living arrangements; 4634

- (b) Establishing and maintaining a loving, stable, 4635
consistent, and nurturing relationship with a child; 4636
- (c) Providing for the health care needs of a child; 4637
- (d) Providing for the educational needs of a child; 4638
- (e) Providing for the financial needs of a child; 4639
- (f) Attending to the needs of a child for discipline, 4640
daily personal care, supervision, and activities; 4641
- (g) Assisting a child in developing interpersonal 4642
relationships; 4643
- (h) Exercising judgment regarding a child's welfare 4644
consistent with a child's developmental stage or special needs; 4645
- (i) Making decisions and performing other duties relating 4646
to the welfare of a child; 4647
- (j) Exercising parenting time. 4648
- (21) "Parenting time" means the time that a parent or 4649
legal custodian is responsible for the child under a parenting 4650
plan or court order. ~~"Uniformed services" means the United States~~ 4651
~~armed forces, the army national guard, and the air national~~ 4652
~~guard or any reserve component thereof, or the commissioned~~ 4653
~~corps of the United States public health service.~~ 4654
- ~~(K) As used in the Revised Code, "shared parenting" means~~ 4655
~~that the parents share, in the manner set forth in the plan for~~ 4656
~~shared parenting that is approved by the court under division~~ 4657
~~(D) (1) and described in division (L) (6) of this section, all or~~ 4658
~~some of the aspects of physical and legal care of their~~ 4659
~~children.~~ 4660
- ~~(L)~~ (22) "Proceeding pertaining to the allocation of 4661

parenting responsibilities" includes a divorce, dissolution of 4662
marriage, legal separation, annulment, or any other related 4663
proceeding involving a child. 4664

(B) For purposes of the Revised Code, "designated parent 4665
and legal custodian" means a parent or legal custodian 4666
designated for any of the purposes listed under divisions (B) (1) 4667
to (5) of section 3109.044 of the Revised Code under a court 4668
order allocating parenting responsibilities. 4669

~~(1) A parent who is granted the care, custody, and control~~ 4670
~~of a child under an order that was issued pursuant to this~~ 4671
~~section prior to April 11, 1991, and that does not provide for~~ 4672
~~shared parenting has "custody of the child" and "care, custody,~~ 4673
~~and control of the child" under the order, and is the~~ 4674
~~"residential parent," the "residential parent and legal~~ 4675
~~custodian," or the "custodial parent" of the child under the~~ 4676
~~order.~~ 4677

~~(2) A parent who primarily is allocated the parental~~ 4678
~~rights and responsibilities for the care of a child and who is~~ 4679
~~designated as the residential parent and legal custodian of the~~ 4680
~~child under an order that is issued pursuant to this section on~~ 4681
~~or after April 11, 1991, and that does not provide for shared~~ 4682
~~parenting has "custody of the child" and "care, custody, and~~ 4683
~~control of the child" under the order, and is the "residential~~ 4684
~~parent," the "residential parent and legal custodian," or the~~ 4685
~~"custodial parent" of the child under the order.~~ 4686

~~(3) A parent who is not granted custody of a child under~~ 4687
~~an order that was issued pursuant to this section prior to April~~ 4688
~~11, 1991, and that does not provide for shared parenting is the~~ 4689
~~"parent who is not the residential parent," the "parent who is~~ 4690
~~not the residential parent and legal custodian," or the~~ 4691

~~"noneustodial parent" of the child under the order.~~

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

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

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

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~~(7) Unless the context clearly requires otherwise and
except as otherwise provided in the order, a designation in the
order of a parent as the residential parent for the purpose of
determining the school the child attends, as the custodial
parent for purposes of claiming the child as a dependent
pursuant to section 152(c) of the "Internal Revenue Code of
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, or as the~~

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~~residential parent for purposes of receiving public assistance~~ 4722
~~pursuant to division (A) (2) of this section, does not affect the~~ 4723
~~designation pursuant to division (L) (6) of this section of each~~ 4724
~~parent as the "residential parent," the "residential parent and~~ 4725
~~legal custodian," or the "custodial parent" of the child.~~ 4726

~~(M) The court shall require each parent of a child to file~~ 4727
~~an affidavit attesting as to whether the parent, and the members~~ 4728
~~of the parent's household, have been convicted of or pleaded~~ 4729
~~guilty to any of the offenses identified in divisions (C) and~~ 4730
~~(F) (1) (h) of this section.~~ 4731

Sec. 3109.041. (A) A court shall allocate parenting 4732
responsibilities in any proceeding pertaining to the allocation 4733
of parenting responsibilities. 4734

(B) A final decree in a proceeding pertaining to the 4735
allocation of parenting responsibilities shall include an 4736
allocation of those responsibilities. 4737

Sec. 3109.042. Allocation of parenting responsibilities 4738
shall be based on a parenting plan approved or issued by the 4739
court. 4740

Sec. 3109.044. The purpose of a parenting plan is to 4741
allocate all parenting responsibilities to parents or legal 4742
custodians. The plan shall seek to ensure that parents or legal 4743
custodians share in the responsibilities of raising a child, 4744
enable a child to enjoy a meaningful relationship with both 4745
parents or legal custodians, and maximize parenting time with 4746
each parent when it is in the best interest of the child. A 4747
parenting plan shall include all of the following: 4748

(A) Provisions regarding each child's needs that are 4749
consistent with the child's age, developmental stage, 4750

maturity, and special needs; 4751

(B) The designation of a parent or legal custodian as the 4752
designated parent and legal custodian for the following 4753
purposes: 4754

(1) Paying and receiving child support and cash medical 4755
support pursuant to a worksheet created under section 3119.022 4756
of the Revised Code; 4757

(2) Determining the school district of attendance; 4758

(3) Providing health care coverage; 4759

(4) Claiming the child as a dependent for income tax 4760
purposes; 4761

(5) For any other purpose requiring designation of one 4762
parent or legal custodian, including public assistance, 4763
international treaty enforcement, or state or federal law. 4764

(C) The parenting time schedule for weekdays, weekends, 4765
holidays, days that hold special meaning to the child, parents, 4766
or legal custodian, vacations, and other times; 4767

(D) The frequency, time, and method of the child's 4768
communication with a parent or legal custodian during the 4769
parenting time; 4770

(E) The allocation of decision-making and other 4771
responsibilities related to the welfare of the child, including 4772
education, child care, health care, and school and extra- 4773
curricular activities; 4774

(F) The procedure for parenting time, including the 4775
meeting location and the person responsible for transportation; 4776

(G) The frequency and method for the parents or legal 4777

custodians to communicate with each other about the child; 4778

(H) The process of information sharing and right to access 4779
the child's school records, health records, records of the 4780
childcare facilities, and school and extra-curricular 4781
activities; 4782

(I) Any geographical restriction on relocation of the 4783
child and notification procedure prior to the relocation of the 4784
child pursuant to sections 3109.0470 to 3109.0479 of the Revised 4785
Code; 4786

(J) Each parent's or legal custodian's responsibility for 4787
the child's financial support, consistent with section 3109.05 4788
and Chapter 3119. of the Revised Code; 4789

(K) Procedures for the parents or legal custodians to 4790
resolve disputes through nonadversarial dispute resolution 4791
processes; 4792

(L) Each parent's or legal custodian's responsibility to 4793
provide written notification to the other parent or legal 4794
custodian and the court of a change of contact information, 4795
including street address, mailing address, email address, or 4796
telephone number in compliance with section 3109.0473 of the 4797
Revised Code; 4798

(M) Any other provisions required by statute or the court. 4799

Sec. 3109.045. A parenting plan that meets the 4800
requirements of section 3109.044 of the Revised Code shall be 4801
filed not later than thirty days before a hearing to determine 4802
the allocation of parenting responsibilities, except that the 4803
court may waive the thirty-day deadline for good cause shown. A 4804
parent or legal custodian may file a separate parenting plan or 4805
the parents and legal custodians may file a joint parenting 4806

plan.

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Sec. 3109.046. If the parents or legal custodians file a
joint parenting plan and the court finds that the provisions of
the joint parenting plan are in the best interest of the child,
the court shall approve the joint parenting plan. If the court
finds that the joint parenting plan is not in the best interest
of the child, the court shall either allow the parents or legal
custodians to make appropriate changes to resolve the court's
objections or issue its own parenting plan. If a joint parenting
plan includes a provision for substantially equal parenting
time, the court may object to the provision if the court
determines that substantially equal parenting time is not in the
best interest of the child, endangers the safety of the parties,
or for other good cause shown and provides written findings to
support the determination.

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Sec. 3109.047. If the parents or legal custodian file one
or more separate parenting plans, the court shall review each
plan to determine whether the plan is in the best interest of
the child. If the court finds that one of the separate parenting
plans is in the best interest of the child, the court shall
approve that plan. If the court finds that none of the parenting
plans is in the best interest of the child, the court shall
either allow the parents or legal custodian to make appropriate
changes to resolve the court's objections or issue its own
parenting plan. If a parenting plan includes a provision for
substantially equal parenting time, the court may object to the
provision if the court determines that substantially equal
parenting time is not in the best interest of the child,
endangers the safety of the parties, or for other good cause
shown and provides written findings to support the
determination.

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Sec. 3109.048. If no parent or legal custodian files a 4838
parenting plan, the court shall issue its own parenting plan. 4839

Sec. 3109.049. In allocating or approving parenting 4840
responsibilities in a parenting plan, the court shall ensure 4841
that the plan meets all of the requirements of section 3109.044 4842
of the Revised Code and that it is in the best interest of the 4843
child pursuant to section 3109.0430 of the Revised Code. 4844

Sec. 3109.0410. The court shall not approve or issue more 4845
than one parenting plan to be in effect at a time. 4846

Sec. 3109.0411. In allocating or approving parenting 4847
responsibilities in a parenting plan, the court shall not draw 4848
any presumptions from a temporary parenting order or consider it 4849
as a factor in making a final decision. 4850

Sec. 3109.0412. The court shall have complete discretion 4851
over the approval of a parenting plan. 4852

Sec. 3109.0414. (A) Upon the court's determination that no 4853
parent is found suitable to be allocated parenting 4854
responsibilities under a parenting plan in accordance with 4855
section 3109.0416 of the Revised Code, the court may designate a 4856
relative or kinship caregiver as the legal custodian of the 4857
child or certify the matter to the juvenile court. 4858

(B) Any designation of a relative or kinship caregiver as 4859
the legal custodian of the child shall be in the child's best 4860
interest pursuant to section 3109.0430 of the Revised Code. 4861

Sec. 3109.0415. (A) Upon the certification under section 4862
3109.0414 of the Revised Code, the juvenile court has exclusive 4863
jurisdiction over the establishment and issuance of a decree 4864
that incorporates a parenting plan. 4865

(B) The juvenile court shall establish and issue decrees 4866
that incorporate parenting plans in accordance with sections 4867
3109.04 to 3109.0498 of the Revised Code. 4868

Sec. 3109.0416. A court may find a parent to be not 4869
suitable under section 3109.0414 of the Revised Code only if the 4870
preponderance of the evidence demonstrates any of the following: 4871

(A) The parent abandoned the child. 4872

(B) The parent contractually relinquished custody of the 4873
child. 4874

(C) The parent has become completely incapable of 4875
supporting or caring for the child. 4876

(D) An award of custody to the parent would be detrimental 4877
to the child. 4878

Sec. 3109.0417. A legal custodian of a child appointed by 4879
a court pursuant to section 3109.0414 of the Revised Code or by 4880
a juvenile court if the case has been certified pursuant to 4881
section 3109.0415 of the Revised Code may submit a parenting 4882
plan under section 3109.045 of the Revised Code. 4883

Sec. 3109.0418. (A) To request a prior parenting plan be 4884
modified with a proposed modification agreed to by all parties, 4885
the parents or legal custodian shall file both of the following: 4886

(1) A motion requesting that the prior parenting plan be 4887
modified; 4888

(2) The proposed agreed entry. 4889

(B) The court may approve the motion and the proposed 4890
agreed entry or conduct a hearing on the proposed agreed entry. 4891

(C) The court shall not modify a prior parenting plan 4892

under this section without finding the modification is in the 4893
child's best interest. 4894

Sec. 3109.0419. (A) To request a prior parenting plan be 4895
modified without a proposed modification agreed to by all 4896
parties, one parent or legal custodian shall file a motion 4897
requesting that the prior parenting plan be modified. The motion 4898
shall set forth all of the following: 4899

(1) The specific modification sought; 4900

(2) The change of circumstances of the parent, legal 4901
custodian, or child; 4902

(3) Why the modification is in the best interest of the 4903
child. 4904

(B) The court shall not modify a prior parenting plan 4905
under division (A) of this section without finding all of the 4906
following: 4907

(1) A finding of a change of circumstances of a parent, 4908
legal custodian, or the child. The court may conduct a hearing 4909
to determine whether a change of circumstance has occurred since 4910
the prior parenting plan was approved; 4911

(2) The modification is in the child's best interest; 4912

(3) One of the following applies: 4913

(a) All parties to the proceeding agree to the 4914
modification. 4915

(b) The child has been integrated into the family of the 4916
parent or legal custodian seeking modification with the consent 4917
of the other parent or legal custodian. 4918

(c) The advantages of the modification outweigh any harm 4919

to the child.

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Sec. 3109.0420. A court may assess reasonable attorney fees and litigation expenses if it finds that a motion to modify a prior parenting plan was brought in bad faith or the party's actions constituted frivolous conduct as defined in section 2323.51 of the Revised Code or as otherwise provided in the Revised Code.

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Sec. 3109.0421. Nothing in sections 3109.0418 to 3109.0420 of the Revised Code limits the authority of a child support enforcement agency to review a child support order in accordance with rules adopted under section 3119.76 of the Revised Code.

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Sec. 3109.0422. In any proceeding pertaining to the allocation of parenting responsibilities, when requested by motion, upon satisfactory proof of all relevant information by affidavit duly filed with the clerk of the court, the court, without oral hearing and for good cause shown, may make a temporary order regarding the allocation of parenting responsibilities while the action is pending.

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Sec. 3109.0423. If the court has issued a temporary order allocating parenting responsibilities, without an oral hearing, a party may file a written request for an oral hearing to modify the order. The court shall conduct an oral hearing not later than twenty-eight days after the filing of the request unless good cause is shown.

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Sec. 3109.0424. An unmarried female who gives birth to a child is the sole designated parent and legal custodian of the child until a court of competent jurisdiction issues an order allocating parenting responsibilities for the child.

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Sec. 3109.0425. A court allocating parental

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responsibilities of a child described under section 3109.0424 of 4949
the Revised Code when another person is the designated parent 4950
and legal custodian shall consider the best interest of the 4951
child as provided in section 3109.0430 of the Revised Code to be 4952
paramount. The court shall not give preference to a parent or 4953
legal custodian because of that parent or legal custodian's 4954
financial status or gender. 4955

Sec. 3109.0426. Notwithstanding sections 3109.0424 and 4956
3109.0425 of the Revised Code, an unmarried female who has been 4957
convicted of or pleaded guilty to rape or sexual battery of the 4958
other parent of the child shall not be the designated parent and 4959
legal custodian of that child, unless the court determines that 4960
special circumstances permit the unmarried mother to be the 4961
child's designated parent and legal custodian. 4962

Sec. 3109.0428. If an appeal is taken from an order of a 4963
court that grants or modifies parenting responsibilities in a 4964
parenting plan, the court of appeals shall give the case 4965
calendar priority and handle it expeditiously. 4966

Sec. 3109.0430. (A) In determining the best interest of a 4967
child for purposes of allocating parenting responsibilities, the 4968
court shall consider all relevant factors, including: 4969

(1) The wishes of the child's parents or legal custodian 4970
regarding the child's care; 4971

(2) The wishes and concerns of the child; 4972

(3) The relative strength, nature, and stability of the 4973
child's relationship with each parent or legal custodian and the 4974
parent's or legal custodian's interest in the child; 4975

(4) The child's interaction and interrelationship with 4976
siblings, relatives, and any other persons who may significantly 4977

affect the child's best interest; 4978

(5) The child's involvement with school, the community, 4979
and other significant activities; 4980

(6) The emotional, mental, and physical health of all 4981
persons involved; 4982

(7) The child's age; developmental stage; and emotional, 4983
mental, physical, educational, and special needs; 4984

(8) The willingness and ability of the parents or legal 4985
custodian to communicate effectively with each other and with 4986
the child; 4987

(9) Any current abuse or history of child abuse, spousal 4988
abuse, domestic violence, or parental kidnapping; 4989

(10) Whether a parent or legal custodian has knowingly 4990
made a false report of child abuse or neglect; 4991

(11) Whether a parent or legal custodian, without just 4992
cause, has repeatedly failed to be financially responsible for 4993
any child as ordered by a court; 4994

(12) Whether a parent or legal custodian, without just 4995
cause, has repeatedly interfered with the other parent's or 4996
legal custodian's court-ordered access to the child; 4997

(13) The willingness and ability of a parent or legal 4998
custodian to facilitate and encourage parenting time or 4999
companionship or visitation and a close and continuing 5000
relationship between the other parent or legal custodian and the 5001
child; 5002

(14) A parent's or legal custodian's past performance and 5003
current ability to provide for the daily needs of the child, 5004

considering the parent's or legal custodian's employment 5005
schedule and the child's school, child care, and activity 5006
schedule; 5007

(15) The child's physical environment; 5008

(16) Whether a parent or legal custodian has established a 5009
residence or is planning to establish a residence outside this 5010
state; 5011

(17) The geographic proximity of a parent or legal 5012
custodian; 5013

(18) Any recommendation of the child's guardian ad litem; 5014

(19) Any parenting coordination decisions; 5015

(20) Any mediation agreements; 5016

(21) Any report of a court-appointed or designated 5017
evaluator or investigator admitted into evidence; 5018

(22) Whether a parent or legal custodian has failed to 5019
attend court-required parent education pursuant to section 5020
3109.0433 of the Revised Code; 5021

(23) The safety of the child and the parents or legal 5022
custodian; 5023

(24) Whether a parent or legal custodian intentionally 5024
misled the court to cause an unnecessary delay, increase the 5025
cost of litigation, or induce the court to give preference to 5026
that parent or legal custodian regarding decision-making powers 5027
or parenting time or companionship or visitation. 5028

(25) Any other relevant factor. 5029

(B) The court shall not give preference to a parent or 5030
legal custodian on the basis of that parent's or legal 5031

custodian's financial circumstances or gender. 5032

(C) In determining the best interest of the child, the 5033
court shall not consider any one factor to the exclusion of 5034
other factors. 5035

Sec. 3109.0432. In any proceeding pertaining to the 5036
allocation of parenting responsibilities, the court may order a 5037
parent or legal custodian to participate in counseling with a 5038
licensed mental health professional or through community 5039
programs, including mental health, substance abuse, or other 5040
appropriate services. 5041

Sec. 3109.0433. (A) In any proceeding pertaining to the 5042
original allocation of parenting responsibilities, the court 5043
shall order the parents or legal custodian to complete parent 5044
education, unless the proceeding involves allegations of abuse 5045
or neglect or a dependent, unruly, or delinquent child. 5046

(B) In any proceeding pertaining to the modification of 5047
parenting responsibilities, the court may order parents or legal 5048
custodians to complete additional parent education. 5049

Sec. 3109.0434. The court may waive parent education under 5050
section 3109.0433 of the Revised Code for good cause shown. 5051

Sec. 3109.0435. The court may order any party to deliver a 5052
child to attend child education as appropriate to the child's 5053
needs. 5054

Sec. 3109.0436. The court shall determine the method that 5055
the parents or legal custodians shall be notified of parent and 5056
child education. 5057

Sec. 3109.0439. In any proceeding pertaining to the 5058
allocation of parenting responsibilities, the court may order a 5059

parent, legal custodian, or a child to submit to any of the 5060
following: 5061

(A) The investigation of any relevant circumstances and 5062
conditions regarding the allocation of parenting 5063
responsibilities, including character, family relations, past 5064
conduct, earning ability, and capacity of the parties to meet 5065
parenting responsibilities; 5066

(B) The evaluation of any relevant circumstances and 5067
conditions regarding the allocation of parenting 5068
responsibilities, including substance abuse, medical, 5069
psychological, or psychiatric interviews, tests, examinations, 5070
and assessments; 5071

(C) The custody evaluation as described in the Rules of 5072
Superintendence for the Courts of Ohio. 5073

Sec. 3109.0440. An investigator or evaluator shall file a 5074
written signed report of the investigation or evaluation under 5075
section 3109.0439 of the Revised Code in accordance with the 5076
rules of the supreme court of Ohio. The court's investigator or 5077
evaluator may consult any person who may have relevant 5078
information. 5079

Sec. 3109.0441. The investigator or evaluator shall be 5080
subject to cross-examination by any party with regard to an 5081
investigation or evaluation under section 3109.0439 of the 5082
Revised Code. 5083

Sec. 3109.0442. The court may apportion costs related to 5084
an investigation or evaluation under section 3109.0439 of the 5085
Revised Code to the parties. 5086

Sec. 3109.0445. (A) In any proceeding pertaining to the 5087
allocation of parenting responsibilities, the court may, and 5088

upon request of either party, shall, interview a child regarding 5089
the child's wishes and concerns with respect to the allocation 5090
of parenting responsibilities. 5091

(B) The court shall conduct the interview in chambers or 5092
another location designated by the court. 5093

Sec. 3109.0446. Before conducting or completing an 5094
interview under section 3109.0445 of the Revised Code, the court 5095
shall determine both of the following: 5096

(A) That the child has sufficient reasoning ability; 5097

(B) That there are no special circumstances that would 5098
indicate the interview would not be in the best interest of the 5099
child. 5100

Sec. 3109.0449. (A) The child, attorney for the child, if 5101
any, and any court personnel deemed necessary by the court shall 5102
be present at an interview under section 3109.0445 of the 5103
Revised Code. 5104

(B) The court may have the child's guardian ad litem 5105
present during the interview. 5106

Sec. 3109.0450. If the court interviews a child under 5107
section 3109.0445 of the Revised Code, it shall permit a parent 5108
or legal custodian to submit written questions to the court that 5109
the court may use during the interview. 5110

Sec. 3109.0451. If the court interviews a child under 5111
section 3109.0445 of the Revised Code, it shall record the 5112
interview. Only the court and appellate courts shall have access 5113
to the record of the interview. 5114

Sec. 3109.0452. No person shall obtain or attempt to 5115
obtain a written or recorded statement or affidavit from a child 5116

setting forth the wishes and concerns of the child with respect 5117
to the allocation of parenting responsibilities in a parenting 5118
plan. The court shall not accept or consider a written or 5119
recorded statement or affidavit regarding those matters. 5120

Sec. 3109.0453. Unless otherwise permitted by law, an 5121
attorney representing a parent or legal custodian in a 5122
proceeding pertaining to the allocation of parenting 5123
responsibilities shall not discuss the issue of parenting 5124
responsibilities with a child who is the subject of the 5125
proceeding. 5126

Sec. 3109.0455. In any proceeding pertaining to the 5127
allocation of parenting responsibilities, the court may approve 5128
or order a restriction of parenting responsibilities if the 5129
court finds, based upon a preponderance of the evidence, that 5130
such restrictions are reasonably calculated to protect a child 5131
from physical, sexual, or emotional abuse, or a parent from 5132
domestic violence. 5133

Sec. 3109.0456. The court may restrict a parent's or legal 5134
custodian's parenting time; right to make decisions; access to a 5135
child's records, activities, school, or child care facility; or 5136
right to receive a notice of intent to relocate or change of 5137
contact information on finding that one or more of the following 5138
applies to the parent or legal custodian: 5139

(A) Willful neglect, or substantial nonperformance, of 5140
parenting responsibilities; 5141

(B) Long-term emotional or physical impairment that 5142
interferes with parenting responsibilities; 5143

(C) Impairment from alcohol, drug, or other substance 5144
abuse that interferes with parenting responsibilities; 5145

(D) The absence or substantial impairment of ties between 5146
the parent or legal custodian and a child; 5147

(E) Conduct that creates a danger to the child's 5148
psychological, social, cognitive, emotional, or physical 5149
development; 5150

(F) Denial of access of the other parent or legal 5151
custodian to the child for protracted periods of time without 5152
justifiable cause; 5153

(G) Physical, sexual, or emotional abuse of the child; 5154

(H) An act of domestic violence as defined in section 5155
3113.31 of the Revised Code, sexually oriented offense, or an 5156
assault which caused serious bodily injury or placed another 5157
person in fear of imminent serious physical harm; 5158

(I) Knowingly consenting to a child being in the presence 5159
of a person who has committed any act that would constitute the 5160
commission of any sexually oriented offense, offense of 5161
violence, or act that would have resulted in a child being 5162
abused or neglected in this state; 5163

(J) Any other relevant factor that affects the best 5164
interest of a child. 5165

Sec. 3109.0457. If the court makes any of the findings 5166
described under section 3109.0456 of the Revised Code, the court 5167
may impose restrictions on a parent or legal custodian, 5168
including the following: 5169

(A) Ordering decision-making authority to one parent or 5170
legal custodian; 5171

(B) Restricting parenting time; 5172

<u>(C) Prohibiting overnight parenting time;</u>	5173
<u>(D) Ordering the exchange of a child to occur with a</u>	5174
<u>neutral party or in a protected setting;</u>	5175
<u>(E) Ordering supervised parenting time;</u>	5176
<u>(F) Ordering payment of any costs associated with</u>	5177
<u>parenting time;</u>	5178
<u>(G) Ordering the perpetrator of domestic violence, child</u>	5179
<u>abuse, or child neglect to attend and complete, to the</u>	5180
<u>satisfaction of the court, a program of intervention for</u>	5181
<u>perpetrators of domestic violence, child abuse, or child neglect</u>	5182
<u>or other counseling as a condition of contact or parenting time;</u>	5183
<u>(H) Ordering abstention from possession or consumption of</u>	5184
<u>alcohol, controlled substances, or illegal substances;</u>	5185
<u>(I) Requiring a bond;</u>	5186
<u>(J) Prohibiting all contact or parenting time with a</u>	5187
<u>child, if the court finds other restrictions on parenting time</u>	5188
<u>will not adequately protect a child, parent, or legal custodian</u>	5189
<u>who is a victim of domestic violence from an unreasonable risk</u>	5190
<u>of harm or abuse;</u>	5191
<u>(K) Imposing any other condition to provide for the safety</u>	5192
<u>of a child, parent, or legal custodian who is a victim of</u>	5193
<u>domestic violence.</u>	5194
<u>Sec. 3109.0458. The court may approve or issue a parenting</u>	5195
<u>plan without any restrictions only if it determines, with</u>	5196
<u>specific written findings of fact supporting its determination,</u>	5197
<u>that the parenting plan is in the best interest of a child and</u>	5198
<u>the court provides protections that adequately protect the</u>	5199
<u>safety and well-being of the child, if any of the following</u>	5200

apply: 5201

(A) A parent, legal custodian, or member of the family or 5202
household has been convicted of or pleaded guilty to a violation 5203
of section 2919.25 of the Revised Code or a sexually oriented 5204
offense involving a victim who at the time of the commission of 5205
the offense was a member of the family or household that is the 5206
subject of the proceeding; 5207

(B) A parent, legal custodian, or member of the family or 5208
household has been convicted of or pleaded guilty to any other 5209
offense involving a victim who at the time of the commission of 5210
the offense was a member of the family or household that is the 5211
subject of the proceeding and caused physical harm to the victim 5212
in the commission of the offense; 5213

(C) A parent, legal custodian, or member of the family or 5214
household has committed acts that resulted in a child being 5215
adjudicated an abused or neglected child, or previously has been 5216
convicted of or pleaded guilty to any criminal offense involving 5217
any act that resulted in a child being an abused or neglected 5218
child, or there is reason to believe that a parent or legal 5219
custodian has acted in a manner resulting in a child being an 5220
abused or neglected child. 5221

Sec. 3109.0459. The court shall approve or designate a 5222
supervisor of parenting time or of companionship or visitation. 5223
The supervisor shall adhere strictly to the terms ordered by the 5224
court and be willing and able to protect a child from harm. The 5225
court shall revoke approval of the supervisor on a finding that 5226
the supervisor failed to protect the child, is not able to 5227
adhere to the terms ordered by the court, or is no longer 5228
willing or able to protect the child. 5229

Sec. 3109.0461. In any proceeding pertaining to the 5230
allocation of parenting responsibilities, the court may, or 5231
shall if otherwise required by law, appoint a guardian ad litem 5232
for the child. 5233

Sec. 3109.0462. A guardian ad litem appointed under 5234
section 3109.0461 of the Revised Code serves the best interest 5235
of a child and owes a duty of candor to the court. 5236

Sec. 3109.0463. The guardian ad litem for a child 5237
appointed under section 3109.0461 of the Revised Code shall be 5238
served with all pleadings and given notice of all hearings and 5239
other proceedings in the same manner as service is made, or 5240
notice is given, to the parties to the action. 5241

Sec. 3109.0465. In any proceeding pertaining to the 5242
allocation of parenting responsibilities, the court may appoint, 5243
at its discretion, an attorney for a child. 5244

Sec. 3109.0466. An attorney appointment under section 5245
3109.0465 of the Revised Code shall include all of the 5246
following: 5247

(A) The rate, amount, and method of payment for 5248
compensation to the attorney and the determination of the 5249
ability of any party to pay the attorney's fees and costs; 5250

(B) The allocation of fees payable by each party and any 5251
other source of compensation to the attorney; 5252

(C) Any reimbursement of fees and costs to be made between 5253
the parties or to any other source; 5254

(D) The terms and amount of any installment payments; 5255

(E) A statement that the court may modify the allocation 5256
of fees and costs. 5257

Sec. 3109.0467. An attorney for a child appointed under 5258
section 3109.0465 of the Revised Code shall be served with all 5259
pleadings and given notice of all hearings and other proceedings 5260
in the same manner as service is made, or notice is given, to 5261
the parties to the action. 5262

Sec. 3109.0468. In any proceeding pertaining to the 5263
allocation of parenting responsibilities, an attorney serving as 5264
a child's guardian ad litem shall not serve as the child's 5265
attorney, unless otherwise permitted by the rules of the supreme 5266
court of Ohio. 5267

Sec. 3109.0470. A relocation of a party's or child's 5268
residence occurs when there is a change of address. 5269

Sec. 3109.0471. (A) A relocating party shall file a notice 5270
of intent to relocate with the clerk of the court where the 5271
order or decree was issued. 5272

(B) The clerk shall send a copy of the notice to the last 5273
known address of any nonrelocating party. 5274

Sec. 3109.0472. A notice of intent to relocate under 5275
section 3109.0471 of the Revised Code shall be filed not later 5276
than sixty days prior to the date of the intended relocation or 5277
not later than ten days after the relocating party knew of the 5278
intended relocation if the relocating party cannot satisfy the 5279
sixty-day requirement, absent exigent circumstances. 5280

Sec. 3109.0473. A notice of intent to relocate shall 5281
contain all of the following: 5282

(A) Updated residential address; 5283

(B) Updated mailing address; 5284

(C) Updated telephone number; 5285

<u>(D) Updated email address;</u>	5286
<u>(E) Date of relocation;</u>	5287
<u>(F) Notice to the nonrelocating party that any objection</u>	5288
<u>to the relocation must be filed not later than thirty days after</u>	5289
<u>receipt of the notice of intent to relocate.</u>	5290
<u>Sec. 3109.0474. If the court has not already made a prior</u>	5291
<u>finding, or upon the filing of a motion and a finding by the</u>	5292
<u>court that the health, safety, and welfare or liberty of a</u>	5293
<u>person, including a child, would be reasonably put at risk by</u>	5294
<u>the relocating party filing a notice of intent to relocate under</u>	5295
<u>section 3109.0471 of the Revised Code, the court may do any of</u>	5296
<u>the following:</u>	5297
<u>(A) Order that the intent to relocate not be disclosed;</u>	5298
<u>(B) Waive the notice requirement to the extent necessary</u>	5299
<u>to protect the confidentiality and the health, safety, and</u>	5300
<u>welfare of the child or parent;</u>	5301
<u>(C) Consider any other remedy deemed necessary to</u>	5302
<u>facilitate the legitimate needs of the parties and protect the</u>	5303
<u>best interest of the child;</u>	5304
<u>(D) If appropriate, conduct an ex parte hearing. If the</u>	5305
<u>court issues an ex parte order, the court shall schedule a full</u>	5306
<u>hearing and give the parties notice of the date, time, and</u>	5307
<u>location of the hearing.</u>	5308
<u>Sec. 3109.0475. (A) If a party fails, without good cause,</u>	5309
<u>to file a notice of intent to relocate pursuant to section</u>	5310
<u>3109.0471 of the Revised Code, the court may consider the</u>	5311
<u>failure as follows:</u>	5312
<u>(1) As a factor in making its determination regarding the</u>	5313

relocation; 5314

(2) As a factor in determining a modification of the 5315
parenting plan; 5316

(3) As a basis for ordering the return of the child if the 5317
relocation has taken place without notice; 5318

(4) As a basis for awarding attorney fees and expenses; 5319

(5) As a factor in a finding of contempt. 5320

(B) When making considerations under division (A) of this 5321
section, the court shall not consider that the child has been 5322
integrated in the new surroundings, unless there is good cause 5323
shown. 5324

Sec. 3109.0476. A nonrelocating party may file a motion 5325
objecting to the relocation and seek an order restricting the 5326
relocation when the relocation would render any portion of the 5327
parenting plan impracticable or not in the child's best interest 5328
or violate restrictions in the plan. 5329

Sec. 3109.0477. A motion under section 3109.0476 of the 5330
Revised Code shall be filed not later than thirty days after the 5331
receipt of the notice of intent to relocate, or the objection 5332
shall be waived. 5333

Sec. 3109.0478. If a motion objecting to a relocation is 5334
filed, the court shall conduct a hearing. All matters relating 5335
to the relocation objection proceedings shall be given priority 5336
scheduling. 5337

Sec. 3109.0479. In reaching a decision on a proposed 5338
temporary or permanent relocation, and in addition to the best 5339
interest factors in section 3109.0430 of the Revised Code, the 5340
court shall consider all of the following factors to foster a 5341

continuing meaningful relationship between the child and the 5342
nonrelocating party: 5343

(A) The reason presented for seeking or opposing the 5344
relocation; 5345

(B) The realistic ability to preserve the relationship 5346
between the child and the nonrelocating party through any 5347
proposed new arrangements that consider the logistics and costs 5348
of contact, access, and parenting time; 5349

(C) The effect the relocation will have on the child's 5350
relationship with extended family; 5351

(D) The enhancement of the quality of life for the child 5352
and the relocating party that the relocation may afford; 5353

(E) Whether a parent is subject to the restrictions under 5354
sections 3109.0455 to 3109.0458 of the Revised Code; 5355

(F) The child's stability; 5356

(G) Any other factor the court determines relevant. 5357

Sec. 3109.0482. As used in sections 3109.0482 to 3109.0492 5358
of the Revised Code: 5359

(A) "Active military service" means service by a member of 5360
the uniformed services in compliance with military orders to 5361
report for combat operations, contingency operations, 5362
peacekeeping operations, a remote tour of duty, or other active 5363
service for which the member is required to report unaccompanied 5364
by any family member, including any period of illness, recovery 5365
from injury, leave, or other lawful absence during that 5366
operation, duty, or service. 5367

(B) "Uniformed services" means the United States armed 5368

forces, the army national guard, and the air national guard or 5369
any reserve component thereof, or the commissioned corps of the 5370
United States public health service. 5371

Sec. 3109.0483. Upon receipt of an order for active 5372
military service, a party subject to an order allocating 5373
parenting responsibilities shall notify any other party of the 5374
order for active military service not later than three days 5375
after receiving the military service order. 5376

Sec. 3109.0484. On receipt of a notice described under 5377
section 3109.0483 of the Revised Code, any party may apply to 5378
the court for a hearing to expedite an allocation or 5379
modification proceeding so that the court can issue an order 5380
regarding parenting responsibilities before any other party's 5381
active military service begins. The application shall include 5382
the date on which the active military service begins. 5383

Sec. 3109.0485. The court shall schedule a hearing on 5384
receipt of an application under section 3109.0484 of the Revised 5385
Code and hold the hearing not later than thirty days after 5386
receipt of the application, except that the court shall give the 5387
case calendar priority and handle the case expeditiously if 5388
exigent circumstances exist. 5389

Sec. 3109.0486. The court shall not find past, present, or 5390
possible future active military service to constitute a change 5391
in circumstances justifying modification of a prior decree 5392
pursuant to section 3109.0418 or 3109.0419 of the Revised Code. 5393

Sec. 3109.0487. (A) Nothing in sections 3109.0483 to 5394
3109.0490 of the Revised Code shall prevent a court from issuing 5395
a temporary order allocating or modifying parenting 5396
responsibilities in a parenting plan for the duration of the 5397

party's active military service that is in the best interest of 5398
the child. 5399

(B) A temporary order may do any of the following, with 5400
regard to parenting time under the parenting plan: 5401

(1) Delegate all or part of the party's parenting time 5402
with the child to a relative or another person who has a close 5403
and substantial relationship with the child; 5404

(2) Require any other party to make the child reasonably 5405
available for parenting time with the party when on leave from 5406
active military service; 5407

(3) Require any other party to facilitate contact, 5408
including telephone and electronic contact, between the party 5409
and the child while the party is on active military service. 5410

(C) A temporary order shall specify whether the party's 5411
active military service is the basis of the order and shall 5412
provide for termination of the temporary order and resumption of 5413
the prior order not later than ten days after the date that the 5414
active military service ends, unless any other party 5415
demonstrates that resumption of the prior order is not in the 5416
child's best interest. 5417

Sec. 3109.0488. At the request of a party who is ordered 5418
for active military service and who is subject to a proceeding 5419
pertaining to a temporary order for the allocation or 5420
modification of parenting responsibilities, the court shall 5421
permit the party to participate in the proceeding and present 5422
evidence by electronic means, including communication by 5423
telephone, video, or internet, to the extent permitted by the 5424
rules of the supreme court of Ohio. 5425

Sec. 3109.0489. A party who is ordered for active military 5426

service and who is subject to a proceeding pertaining to the 5427
allocation or modification of parenting responsibilities shall 5428
provide written notice to the court, child support enforcement 5429
agency, and any other party of the date of termination of the 5430
party's active military service not later than thirty days after 5431
the date on which the service ends. 5432

Sec. 3109.0490. An order delegating all or part of the 5433
party's parenting time under a parenting plan pursuant to 5434
division (B) (1) of section 3109.0487 of the Revised Code does 5435
not create standing on behalf of the person to whom parenting 5436
time is delegated to assert companionship or visitation 5437
independent of the order. 5438

Sec. 3109.0491. (A) A party may file a motion alleging 5439
interference with parenting time or companionship or visitation. 5440

(B) A motion under division (A) of this section shall 5441
include all of the following: 5442

(1) The date that the court awarded the parenting time or 5443
companionship or visitation; 5444

(2) A description of the parenting time or companionship 5445
or visitation that was awarded; 5446

(3) The dates when interference led to the loss of 5447
parenting time or companionship or visitation and the amount of 5448
time lost; 5449

(4) A description of any efforts made to exercise 5450
parenting time or companionship or visitation; 5451

(5) Any relief requested. 5452

(C) Upon the filing of a motion under this section, the 5453
court shall hold an initial hearing not later than twenty-eight 5454

days after service unless for good cause shown. 5455

Sec. 3109.0492. Any time prior to ruling upon a motion 5456
alleging interference with parenting time or companionship or 5457
visitation, the court may issue temporary orders necessary to 5458
protect the relationship between parent or legal custodian and 5459
child. 5460

Sec. 3109.0493. After a hearing under section 3109.0491 of 5461
the Revised Code, and upon a finding there has been unreasonable 5462
interference with parenting time or companionship or visitation, 5463
the court may issue any of the following: 5464

(A) A modified parenting plan or amended order to prevent 5465
future interference with parenting time or companionship or 5466
visitation in the best interest of a child; 5467

(B) An order for compensatory parenting time or 5468
companionship or visitation; 5469

(C) An order for supervised parenting time or 5470
companionship or visitation or exchanges; 5471

(D) An order to require a parent, legal custodian, or the 5472
child to attend counseling, education, or coaching; 5473

(E) An order to post bond, either in cash or with 5474
sufficient sureties, conditioned upon compliance with the order 5475
granting parenting time or companionship or visitation; 5476

(F) An award of reasonable costs and fees for legal 5477
counsel and litigation, mediation, counseling, parent and child 5478
education, supervised parenting time, or companionship or 5479
visitation or exchange, and court costs; 5480

(G) Any other remedy that the court considers appropriate. 5481

Sec. ~~3109.043~~ 3109.0497. ~~In any proceeding pertaining to the allocation of parental rights and responsibilities for the care of a child, when requested in the complaint, answer, or counterclaim, or by motion served with the pleading, upon satisfactory proof by affidavit duly filed with the clerk of the court, the court, without oral hearing and for good cause shown, may make a temporary order regarding the allocation of parental rights and responsibilities for the care of the child while the action is pending.~~

If a parent and child relationship has not already been established pursuant to section 3111.02 of the Revised Code, the court may take into consideration when determining whether to ~~award parenting time, visitation rights, or allocate~~ temporary ~~eustody parenting responsibilities~~ to a putative father that the putative father is named on the birth record of the child, the child has the putative father's surname, or a clear pattern of a parent and child relationship between the child and the putative father exists.

Sec. 3109.0498. (A) Parties to any decree that allocates parental rights and responsibilities issued pursuant to section 3109.04 of the Revised Code as it existed prior to the effective date of this section, may file a motion with the court that issued the decree requesting the approval of a parenting plan to be incorporated into a decree in accordance with sections 3109.04 to 3109.0498 of the Revised Code.

(B) A decree that allocates parental rights and responsibilities issued under section 3109.04 of the Revised Code as that section existed prior to the effective date of this section, shall not be affected or invalidated by, and shall not be construed as being affected or invalidated by, the provisions

of sections 3109.04 to 3109.0497 of the Revised Code relative to 5512
the allocation of parenting responsibilities under a parenting 5513
plan on and after the effective date of this section. The decree 5514
issued prior to the effective date of this section shall remain 5515
in full force and effect, subject to modification or termination 5516
pursuant to sections 3109.0418 to 3109.0420 of the Revised Code 5517
on and after the effective date of this section. 5518

(C) With regard to a decree allocating parental rights and 5519
responsibilities issued under section 3109.04 of the Revised 5520
Code as that section existed prior to the effective date of this 5521
section: 5522

(1) Unless the context clearly requires otherwise, if the 5523
order provides for shared parenting of a child, both parents 5524
have "custody of the child," "care, custody, and control of the 5525
child," and the same parenting responsibilities for the child 5526
under the order to the extent and in the manner specified in the 5527
order; 5528

(2) Unless the context clearly requires otherwise and 5529
except as otherwise provided in the order, if the order provides 5530
for shared parenting for a child, each parent, regardless of 5531
where the child is physically located or with whom the child is 5532
residing at a particular point in time, as specified in the 5533
order, is the "designated parent and legal custodian" of the 5534
child. 5535

Sec. 3109.05. (A) (1) In a ~~divorce, dissolution of~~ 5536
~~marriage, legal separation, proceeding~~ pertaining to the 5537
allocation of parenting responsibilities or child support 5538
proceeding, the court may order either or both parents to 5539
support or help support their children, without regard to 5540
marital misconduct. In determining the amount reasonable or 5541

necessary for child support, including the medical needs of the 5542
child, the court shall comply with Chapter 3119. of the Revised 5543
Code. 5544

(2) The court, in accordance with Chapter 3119. of the 5545
Revised Code, shall include in each support order made under 5546
this section the requirement that one or both of the parents 5547
provide for the health care needs of the child to the 5548
satisfaction of the court, and the court shall include in the 5549
support order a requirement that all support payments be made 5550
through the office of child support in the department of job and 5551
family services. 5552

(3) The court shall comply with Chapters 3119., 3121., 5553
3123., and 3125. of the Revised Code when it makes or modifies 5554
an order for child support under this section. 5555

(B) The juvenile court has exclusive jurisdiction to enter 5556
the orders in any case certified to it from another court. 5557

(C) If any person required to pay child support under an 5558
order made under division (A) of this section on or after April 5559
15, 1985, or modified on or after December 1, 1986, is found in 5560
contempt of court for failure to make support payments under the 5561
order, the court that makes the finding, in addition to any 5562
other penalty or remedy imposed, shall assess all court costs 5563
arising out of the contempt proceeding against the person and 5564
require the person to pay any reasonable attorney's fees of any 5565
adverse party, as determined by the court, that arose in 5566
relation to the act of contempt and, on or after July 1, 1992, 5567
shall assess interest on any unpaid amount of child support 5568
pursuant to section 3123.17 of the Revised Code. 5569

(D) The court shall not authorize or permit the escrowing, 5570

impoundment, or withholding of any child support payment ordered 5571
under this section or any other section of the Revised Code 5572
because of a denial of or interference with a right of parenting 5573
time granted ~~to a parent in an order issued under this section~~ 5574
~~or section 3109.051~~ a parenting plan pursuant to sections 5575
3109.041 to 3109.044 or 3109.12 of the Revised Code or 5576
companionship or visitation granted in an order issued under 5577
this section, section ~~3109.051~~3109.054, 3109.11, 3109.12, or any 5578
other section of the Revised Code, or as a method of enforcing 5579
the specific provisions of any such order dealing with parenting 5580
time or visitation. 5581

Sec. 3109.052. (A) If a proceeding ~~for divorce,~~ 5582
~~dissolution, legal separation, annulment, or pertaining to the~~ 5583
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 5584
~~the care of a child~~ involves one or more children, if the 5585
~~parents of the children parties~~ do not agree upon an appropriate 5586
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 5587
~~the care of their children~~ or do not agree upon a specific 5588
schedule of parenting time for their children, the court may 5589
order the ~~parents parties~~ to ~~mediate their differences on those~~ 5590
~~matters attempt to resolve their differences on those matters in~~ 5591
accordance with ~~mediation procedures~~ dispute resolution 5592
processes adopted by the court by local rule. When the court 5593
determines whether ~~mediation~~ dispute resolution is appropriate 5594
in any proceeding, it shall consider ~~whether either parent~~ 5595
~~previously has been convicted of or pleaded guilty to a~~ 5596
~~violation of section 2919.25 of the Revised Code involving a~~ 5597
~~victim who at the time of the commission of the offense was a~~ 5598
~~member of the family or household that is the subject of the~~ 5599
~~proceeding, whether either parent previously has been convicted~~ 5600
~~of or pleaded guilty to an offense involving a victim who at the~~ 5601

~~time of the commission of the offense was a member of the family~~ 5602
~~or household that is the subject of the proceeding and caused~~ 5603
~~physical harm to the victim in the commission of the offense,~~ 5604
~~and whether either parent has been determined to be the~~ 5605
~~perpetrator of the abusive act that is the basis of an~~ 5606
~~adjudication that a child is an abused child. If either parent~~ 5607
~~has been convicted of or pleaded guilty to a violation of~~ 5608
~~section 2919.25 of the Revised Code involving a victim who at~~ 5609
~~the time of the commission of the offense was a member of the~~ 5610
~~family or household that is the subject of the proceeding, has~~ 5611
~~been convicted of or pleaded guilty to any other offense~~ 5612
~~involving a victim who at the time of the commission of the~~ 5613
~~offense was a member of the family or household that is the~~ 5614
~~subject of the proceeding and caused physical harm to the victim~~ 5615
~~in the commission of the offense, or has been determined to be~~ 5616
~~the perpetrator of the abusive act that is the basis of an~~ 5617
~~adjudication that a child is an abused child, the court may~~ 5618
~~order mediation only if the court determines that it is in the~~ 5619
~~best interests of the parties to order mediation and makes~~ 5620
~~specific written findings of fact to support its~~ 5621
~~determination~~any allegations of domestic violence relating to 5622
any of the parties. 5623

~~If a court issues an order pursuant to this division~~ 5624
~~requiring mediation, it also may order the parents to file a~~ 5625
~~mediation report within a specified period of time and order the~~ 5626
~~parents to pay the cost of mediation, unless either or both of~~ 5627
~~the parents file a motion requesting that the court waive that~~ 5628
~~requirement. Upon the filing of a motion requesting the waiver~~ 5629
~~of that requirement, the court, for good cause shown, may waive~~ 5630
~~the requirement that either or both parents pay the cost of~~ 5631
~~mediation or may require one of the parents to pay the entire~~ 5632

~~cost of mediation. Any mediation procedures adopted by local~~ 5633
~~court rule for use under this division shall include, but are~~ 5634
~~not limited to, provisions establishing qualifications for~~ 5635
~~mediators who may be employed or used and provisions~~ 5636
~~establishing standards for the conduct of the mediation.~~ 5637

~~(B) If a mediation order is issued under division (A) of~~ 5638
~~this section and the order requires the parents to file a~~ 5639
~~mediation report, the mediator and each parent who takes part in~~ 5640
~~mediation in accordance with the order jointly shall file a~~ 5641
~~report of the results of the mediation process with the court~~ 5642
~~that issued the order under that division. A mediation report~~ 5643
~~shall indicate only whether agreement has been reached on any of~~ 5644
~~the issues that were the subject of the mediation, and, if~~ 5645
~~agreement has been reached, the content and details of the~~ 5646
~~agreement. No mediation report shall contain any background~~ 5647
~~information concerning the mediation process or any information~~ 5648
~~discussed or presented in the process. The court shall consider~~ 5649
~~the mediation report when it allocates parental rights and~~ 5650
~~responsibilities for the care of children under section 3109.04~~ 5651
~~of the Revised Code and when it establishes a specific schedule~~ 5652
~~of parenting time under section 3109.051 of the Revised Code.~~ 5653
~~The court is not bound by the mediation report and shall~~ 5654
~~consider the best interest of the children when making that~~ 5655
~~allocation or establishing the parenting time schedule.~~ 5656

~~(C) If Pursuant to the uniform mediation act in Chapter~~ 5657
~~2710. of the Revised Code, if a mediation order is issued under~~ 5658
~~division (A) of this section, the mediator shall not be made a~~ 5659
~~party to, and shall not be called as a witness or testify in,~~ 5660
~~any action or proceeding, other than a criminal, delinquency,~~ 5661
~~child abuse, child neglect, or dependent child action or~~ 5662
~~proceeding, that is brought by or against either parent and that~~ 5663

pertains to the mediation process, to any information discussed 5664
or presented in the mediation process, to the allocation of 5665
~~parental rights and parenting responsibilities for the care of~~ 5666
~~the parents' children, or to including~~ the awarding of parenting 5667
time ~~rights~~ in relation to their children under a parenting 5668
plan. The mediator shall not be made a party to, or be called as 5669
a witness or testify in, such an action or proceeding even if 5670
both parents give their prior consent to the mediator being made 5671
a party to or being called as a witness or to testify in the 5672
action or proceeding. 5673

~~(D) Division (A) of this section does not apply to either~~ 5674
~~of the following:~~ 5675

~~(1) Any proceeding, or the use of mediation in any~~ 5676
~~proceeding that is not a proceeding for divorce, dissolution,~~ 5677
~~legal separation, annulment, or the allocation of parental~~ 5678
~~rights and responsibilities for the care of a child;~~ 5679

~~(2) The use of mediation in any proceeding for divorce,~~ 5680
~~dissolution, legal separation, annulment, or the allocation of~~ 5681
~~parental rights and responsibilities for the care of a child, in~~ 5682
~~relation to issues other than the appropriate allocation of~~ 5683
~~parental rights and responsibilities for the care of the~~ 5684
~~parents' children and other than a specific parenting time~~ 5685
~~schedule for the parents' children.~~ 5686

Sec. 3109.054. In a proceeding pertaining to the 5687
allocation of parenting responsibilities or a child support 5688
proceeding that involves a child, the court may grant reasonable 5689
companionship or visitation to a party who is a relative, person 5690
who has served as a kinship caregiver, or any other person 5691
related to the child by consanguinity or affinity, other than a 5692
parent, if all of the following apply: 5693

(A) The relative, person who has served as a kinship caregiver, or other person files a motion with the court seeking companionship or visitation. 5694
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(B) The court determines that the relative, person who has served as a kinship caregiver, or other person has an interest in the welfare of the child. 5697
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(C) The court, after giving special weight to the parents' wishes regarding the child, determines that the granting of the companionship or visitation is in the best interest of the child. 5700
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Sec. 3109.055. A motion for companionship or visitation may be filed during the pendency of the proceeding that pertains to the allocation of parenting responsibilities or child support proceeding or, if a motion was not filed at that time or was filed at that time and the circumstances in the case have changed, at any time after a decree or final order is issued in the case. 5704
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Sec. 3109.056. When determining whether to grant companionship or visitation to a relative, person who has served as a kinship caregiver, or other person pursuant to section 3109.054, 3109.11, or 3109.12 of the Revised Code, when establishing a specific visitation schedule, and when determining other visitation matters under section 3109.054, 3109.11, or 3109.12 of the Revised Code, the court shall consider any resulting report from a dispute resolution process that the court ordered pursuant to section 3109.052 of the Revised Code and shall consider all other relevant factors, including all of the factors listed in section 3109.057 of the Revised Code. 5711
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Sec. 3109.057. The court shall consider all of the 5723
following factors when determining whether to grant 5724
companionship or visitation to a relative, person who has served 5725
as a kinship caregiver, or any other person pursuant to section 5726
3109.054, 3109.11, or 3109.12 of the Revised Code: 5727

(A) The prior interaction and interrelationships of the 5728
child with the child's parents, siblings, and other persons 5729
related by consanguinity or affinity, and with the person who 5730
requested companionship or visitation; 5731

(B) The geographical location of residence of the person 5732
requesting companionship or visitation and the distance between 5733
that person's residence and the child's residence; 5734

(C) Available time of the child and the person who 5735
requested companionship or visitation, including the person's 5736
employment schedule, the child's school schedule, and the 5737
child's and person's holiday and vacation schedule; 5738

(D) The age of the child; 5739

(E) The child's adjustment to home, school, and community; 5740

(F) If the court has interviewed the child in chambers, 5741
pursuant to section 3109.058 of the Revised Code, regarding the 5742
wishes and concerns of the child as to companionship or 5743
visitation, a specific visitation schedule, or other visitation 5744
matters, the wishes and concerns of the child, as expressed to 5745
the court; 5746

(G) The health and safety of the child; 5747

(H) The amount of time that will be available for the 5748
child to spend with siblings; 5749

(I) The mental and physical health of all parties; 5750

(J) The willingness of the person requesting companionship 5751
or visitation to reschedule missed visitation; 5752

(K) Whether the person requesting companionship or 5753
visitation previously has been convicted of or pleaded guilty to 5754
any criminal offense involving any act that resulted in a child 5755
being an abused child or a neglected child; whether the person, 5756
in a case in which a child has been adjudicated an abused child 5757
or a neglected child, previously has been determined to be the 5758
perpetrator of the abusive or neglectful act that is the basis 5759
of the adjudication; and whether there is reason to believe that 5760
the person has acted in a manner resulting in a child being an 5761
abused child or a neglected child; 5762

(L) The wishes and concerns of the child's parents or 5763
legal custodian, as expressed by them to the court; 5764

(M) Any other factor in the best interest of the child. 5765

Sec. 3109.058. (A) In considering the factors listed in 5766
section 3109.057 of the Revised Code, the court may interview in 5767
chambers any or all involved children on their wishes and 5768
concerns regarding companionship or visitation matters. 5769

(B) If the court interviews any child concerning the 5770
child's wishes and concerns, the interview shall be conducted in 5771
chambers or another location designated by the court. 5772

(C) Before conducting or completing an interview under 5773
this section, the court shall determine both of the following: 5774

(1) That the child has sufficient reasoning ability; 5775

(2) That there are no special circumstances that would 5776
indicate the interview would not be in the best interest of the 5777
child. 5778

Sec. 3109.059. (A) The child, attorney for the child, if 5779
any, and any court personnel deemed necessary by the court shall 5780
be present at an interview under section 3109.058 of the Revised 5781
Code. 5782

(B) The court may have the child's guardian ad litem 5783
present during the interview. 5784

(C) If the court interviews a child, it shall permit a 5785
person seeking companionship or visitation to submit written 5786
questions to the court that the court may use during the 5787
interview. 5788

(D) If the court interviews a child, it shall record the 5789
interview. Only the court and appellate courts shall have access 5790
to the record of the interview. 5791

Sec. 3109.0510. No person shall obtain or attempt to 5792
obtain from a child a written or recorded statement or affidavit 5793
setting forth the wishes and concerns of the child regarding 5794
companionship or visitation matters. The court shall not accept 5795
or consider a written or recorded statement or affidavit that 5796
purports to set forth the child's wishes or concerns regarding 5797
those matters. 5798

Sec. 3109.0511. The remarriage of a parent of a child does 5799
not affect the authority of a court to grant reasonable 5800
companionship or visitation with respect to the child to any 5801
relative, person who has served as a kinship caregiver, or any 5802
other person. 5803

Sec. 3109.0512. If the court denies a motion for 5804
reasonable companionship or visitation, the court shall state in 5805
writing its findings of fact and conclusions of law in 5806
accordance with Civil Rule 52 upon written request by a party. 5807

Sec. ~~3109.051~~ 3109.0515. ~~(A) If a divorce, dissolution,~~ 5808
~~legal separation, or annulment proceeding involves a child and~~ 5809
~~if the court has not issued a shared parenting decree, the court~~ 5810
~~shall consider any mediation report filed pursuant to section~~ 5811
~~3109.052 of the Revised Code and, in accordance with division~~ 5812
~~(C) of this section, shall make a just and reasonable order or~~ 5813
~~decree permitting each parent who is not the residential parent~~ 5814
~~to have parenting time with the child at the time and under the~~ 5815
~~conditions that the court directs, unless the court determines~~ 5816
~~that it would not be in the best interest of the child to permit~~ 5817
~~that parent to have parenting time with the child and includes~~ 5818
~~in the journal its findings of fact and conclusions of law.~~ 5819
~~Whenever possible, the order or decree permitting the parenting~~ 5820
~~time shall ensure the opportunity for both parents to have~~ 5821
~~frequent and continuing contact with the child, unless frequent~~ 5822
~~and continuing contact by either parent with the child would not~~ 5823
~~be in the best interest of the child. The court shall include in~~ 5824
~~its final decree a specific schedule of parenting time for that~~ 5825
~~parent. Except as provided in division (E) (6) of section 3113.31~~ 5826
~~of the Revised Code, if the court, pursuant to this section,~~ 5827
~~grants parenting time to a parent or companionship or visitation~~ 5828
~~rights to any other person with respect to any child, it shall~~ 5829
~~not require the public children services agency to provide~~ 5830
~~supervision of or other services related to that parent's~~ 5831
~~exercise of parenting time or that person's exercise of~~ 5832
~~companionship or visitation rights with respect to the child.~~ 5833
~~This section does not limit the power of a juvenile court~~ 5834
~~pursuant to Chapter 2151. of the Revised Code to issue orders~~ 5835
~~with respect to children who are alleged to be abused,~~ 5836
~~neglected, or dependent children or to make dispositions of~~ 5837
~~children who are adjudicated abused, neglected, or dependent~~ 5838
~~children or of a common pleas court to issue orders pursuant to~~ 5839

~~section 3113.31 of the Revised Code.~~ 5840

~~(B) (1) In a divorce, dissolution of marriage, legal 5841
separation, annulment, or child support proceeding that involves 5842
a child, the court may grant reasonable companionship or 5843
visitation rights to any grandparent, any person related to the 5844
child by consanguinity or affinity, or any other person other 5845
than a parent, if all of the following apply: 5846~~

~~(a) The grandparent, relative, or other person files a 5847
motion with the court seeking companionship or visitation 5848
rights. 5849~~

~~(b) The court determines that the grandparent, relative, 5850
or other person has an interest in the welfare of the child. 5851~~

~~(c) The court determines that the granting of the 5852
companionship or visitation rights is in the best interest of 5853
the child. 5854~~

~~(2) A motion may be filed under division (B) (1) of this 5855
section during the pendency of the divorce, dissolution of 5856
marriage, legal separation, annulment, or child support 5857
proceeding or, if a motion was not filed at that time or was 5858
filed at that time and the circumstances in the case have 5859
changed, at any time after a decree or final order is issued in 5860
the case. 5861~~

~~(C) When determining whether to grant parenting time 5862
rights to a parent pursuant to this section or section 3109.12 5863
of the Revised Code or to grant companionship or visitation 5864
rights to a grandparent, relative, or other person pursuant to 5865
this section or section 3109.11 or 3109.12 of the Revised Code, 5866
when establishing a specific parenting time or visitation 5867
schedule, and when determining other parenting time matters 5868~~

~~under this section or section 3109.12 of the Revised Code or~~ 5869
~~visitation matters under this section or section 3109.11 or~~ 5870
~~3109.12 of the Revised Code, the court shall consider any~~ 5871
~~mediation report that is filed pursuant to section 3109.052 of~~ 5872
~~the Revised Code and shall consider all other relevant factors,~~ 5873
~~including, but not limited to, all of the factors listed in~~ 5874
~~division (D) of this section. In considering the factors listed~~ 5875
~~in division (D) of this section for purposes of determining~~ 5876
~~whether to grant parenting time or visitation rights,~~ 5877
~~establishing a specific parenting time or visitation schedule,~~ 5878
~~determining other parenting time matters under this section or~~ 5879
~~section 3109.12 of the Revised Code or visitation matters under~~ 5880
~~this section or under section 3109.11 or 3109.12 of the Revised~~ 5881
~~Code, and resolving any issues related to the making of any~~ 5882
~~determination with respect to parenting time or visitation~~ 5883
~~rights or the establishment of any specific parenting time or~~ 5884
~~visitation schedule, the court, in its discretion, may interview~~ 5885
~~in chambers any or all involved children regarding their wishes~~ 5886
~~and concerns. If the court interviews any child concerning the~~ 5887
~~child's wishes and concerns regarding those parenting time or~~ 5888
~~visitation matters, the interview shall be conducted in~~ 5889
~~chambers, and no person other than the child, the child's~~ 5890
~~attorney, the judge, any necessary court personnel, and, in the~~ 5891
~~judge's discretion, the attorney of each parent shall be~~ 5892
~~permitted to be present in the chambers during the interview. No~~ 5893
~~person shall obtain or attempt to obtain from a child a written~~ 5894
~~or recorded statement or affidavit setting forth the wishes and~~ 5895
~~concerns of the child regarding those parenting time or~~ 5896
~~visitation matters. A court, in considering the factors listed~~ 5897
~~in division (D) of this section for purposes of determining~~ 5898
~~whether to grant any parenting time or visitation rights,~~ 5899
~~establishing a parenting time or visitation schedule,~~ 5900

~~determining other parenting time matters under this section or
section 3109.12 of the Revised Code or visitation matters under
this section or under section 3109.11 or 3109.12 of the Revised
Code, or resolving any issues related to the making of any
determination with respect to parenting time or visitation
rights or the establishment of any specific parenting time or
visitation schedule, shall not accept or consider a written or
recorded statement or affidavit that purports to set forth the
child's wishes or concerns regarding those parenting time or
visitation matters.~~

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~~(D) In determining whether to grant parenting time to a
parent pursuant to this section or section 3109.12 of the
Revised Code or companionship or visitation rights to a
grandparent, relative, or other person pursuant to this section
or section 3109.11 or 3109.12 of the Revised Code, in
establishing a specific parenting time or visitation schedule,
and in determining other parenting time matters under this
section or section 3109.12 of the Revised Code or visitation
matters under this section or section 3109.11 or 3109.12 of the
Revised Code, the court shall consider all of the following
factors:~~

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

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~~(2) The geographical location of the residence of each
parent and the distance between those residences, and if the
person is not a parent, the geographical location of that
person's residence and the distance between that person's~~

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~~residence and the child's residence;—~~ 5931

~~(3) The child's and parents' available time, including, 5932
but not limited to, each parent's employment schedule, the 5933
child's school schedule, and the child's and the parents' 5934
holiday and vacation schedule;— 5935~~

~~(4) The age of the child;— 5936~~

~~(5) The child's adjustment to home, school, and community; 5937~~

~~(6) If the court has interviewed the child in chambers, 5938
pursuant to division (C) of this section, regarding the wishes 5939
and concerns of the child as to parenting time by the parent who 5940
is not the residential parent or companionship or visitation by 5941
the grandparent, relative, or other person who requested 5942
companionship or visitation, as to a specific parenting time or 5943
visitation schedule, or as to other parenting time or visitation 5944
matters, the wishes and concerns of the child, as expressed to 5945
the court;— 5946~~

~~(7) The health and safety of the child;— 5947~~

~~(8) The amount of time that will be available for the 5948
child to spend with siblings;— 5949~~

~~(9) The mental and physical health of all parties;— 5950~~

~~(10) Each parent's willingness to reschedule missed 5951
parenting time and to facilitate the other parent's parenting 5952
time rights, and with respect to a person who requested 5953
companionship or visitation, the willingness of that person to 5954
reschedule missed visitation;— 5955~~

~~(11) In relation to parenting time, whether either parent 5956
previously has been convicted of or pleaded guilty to any 5957
criminal offense involving any act that resulted in a child 5958~~

~~being an abused child or a neglected child; whether either~~ 5959
~~parent, in a case in which a child has been adjudicated an~~ 5960
~~abused child or a neglected child, previously has been~~ 5961
~~determined to be the perpetrator of the abusive or neglectful~~ 5962
~~act that is the basis of the adjudication; and whether there is~~ 5963
~~reason to believe that either parent has acted in a manner~~ 5964
~~resulting in a child being an abused child or a neglected child;~~ 5965

~~(12) In relation to requested companionship or visitation~~ 5966
~~by a person other than a parent, whether the person previously~~ 5967
~~has been convicted of or pleaded guilty to any criminal offense~~ 5968
~~involving any act that resulted in a child being an abused child~~ 5969
~~or a neglected child; whether the person, in a case in which a~~ 5970
~~child has been adjudicated an abused child or a neglected child,~~ 5971
~~previously has been determined to be the perpetrator of the~~ 5972
~~abusive or neglectful act that is the basis of the adjudication;~~ 5973
~~whether either parent previously has been convicted of or~~ 5974
~~pleaded guilty to a violation of section 2919.25 of the Revised~~ 5975
~~Code involving a victim who at the time of the commission of the~~ 5976
~~offense was a member of the family or household that is the~~ 5977
~~subject of the current proceeding; whether either parent~~ 5978
~~previously has been convicted of an offense involving a victim~~ 5979
~~who at the time of the commission of the offense was a member of~~ 5980
~~the family or household that is the subject of the current~~ 5981
~~proceeding and caused physical harm to the victim in the~~ 5982
~~commission of the offense; and whether there is reason to~~ 5983
~~believe that the person has acted in a manner resulting in a~~ 5984
~~child being an abused child or a neglected child;~~ 5985

~~(13) Whether the residential parent or one of the parents~~ 5986
~~subject to a shared parenting decree has continuously and~~ 5987
~~willfully denied the other parent's right to parenting time in~~ 5988
~~accordance with an order of the court;~~ 5989

~~(14) Whether either parent has established a residence or
is planning to establish a residence outside this state;~~ 5990
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~~(15) In relation to requested companionship or visitation
by a person other than a parent, the wishes and concerns of the
child's parents, as expressed by them to the court;~~ 5992
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~~(16) Any other factor in the best interest of the child.~~ 5995

~~(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.~~ 5996
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~~(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.~~ 6003
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~~(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.~~ 6011
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~~(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~~ 6016
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~~notice of intent to relocate with the court that issued the~~ 6019
~~order or decree. Except as provided in divisions (C) (2), (3),~~ 6020
~~and (4) of this section, the court shall send a copy of the~~ 6021
~~notice to the parent who is not the residential parent. Upon~~ 6022
~~receipt of the notice, the court, on its own motion or the~~ 6023
~~motion of the parent who is not the residential parent, may~~ 6024
~~schedule a hearing with notice to both parents to determine~~ 6025
~~whether it is in the best interest of the child to revise the~~ 6026
~~parenting time schedule for the child.~~ 6027

~~(2) When a court grants parenting time rights to a parent~~ 6028
~~who is not the residential parent, the court shall determine~~ 6029
~~whether that parent has been convicted of or pleaded guilty to a~~ 6030
~~violation of section 2919.25 of the Revised Code involving a~~ 6031
~~victim who at the time of the commission of the offense was a~~ 6032
~~member of the family or household that is the subject of the~~ 6033
~~proceeding, has been convicted of or pleaded guilty to any other~~ 6034
~~offense involving a victim who at the time of the commission of~~ 6035
~~the offense was a member of the family or household that is the~~ 6036
~~subject of the proceeding and caused physical harm to the victim~~ 6037
~~in the commission of the offense, or has been determined to be~~ 6038
~~the perpetrator of the abusive act that is the basis of an~~ 6039
~~adjudication that a child is an abused child. If the court~~ 6040
~~determines that that parent has not been so convicted and has~~ 6041
~~not been determined to be the perpetrator of an abusive act that~~ 6042
~~is the basis of a child abuse adjudication, the court shall~~ 6043
~~issue an order stating that a copy of any notice of relocation~~ 6044
~~that is filed with the court pursuant to division (C) (1) of this~~ 6045
~~section will be sent to the parent who is given the parenting~~ 6046
~~time rights in accordance with division (G) (1) of this section.~~ 6047

~~If the court determines that the parent who is granted the~~ 6048
~~parenting time rights has been convicted of or pleaded guilty to~~ 6049

~~a violation of section 2919.25 of the Revised Code involving a~~ 6050
~~victim who at the time of the commission of the offense was a~~ 6051
~~member of the family or household that is the subject of the~~ 6052
~~proceeding, has been convicted of or pleaded guilty to any other~~ 6053
~~offense involving a victim who at the time of the commission of~~ 6054
~~the offense was a member of the family or household that is the~~ 6055
~~subject of the proceeding and caused physical harm to the victim~~ 6056
~~in the commission of the offense, or has been determined to be~~ 6057
~~the perpetrator of the abusive act that is the basis of an~~ 6058
~~adjudication that a child is an abused child, it shall issue an~~ 6059
~~order stating that that parent will not be given a copy of any~~ 6060
~~notice of relocation that is filed with the court pursuant to~~ 6061
~~division (G) (1) of this section unless the court determines that~~ 6062
~~it is in the best interest of the children to give that parent a~~ 6063
~~copy of the notice of relocation, issues an order stating that~~ 6064
~~that parent will be given a copy of any notice of relocation~~ 6065
~~filed pursuant to division (G) (1) of this section, and issues~~ 6066
~~specific written findings of fact in support of its~~ 6067
~~determination.~~ 6068

~~(3) If a court, prior to April 11, 1991, issued an order~~ 6069
~~granting parenting time rights to a parent who is not the~~ 6070
~~residential parent and did not require the residential parent in~~ 6071
~~that order to give the parent who is granted the parenting time~~ 6072
~~rights notice of any change of address and if the residential~~ 6073
~~parent files a notice of relocation pursuant to division (G) (1)~~ 6074
~~of this section, the court shall determine if the parent who is~~ 6075
~~granted the parenting time rights has been convicted of or~~ 6076
~~pleaded guilty to a violation of section 2919.25 of the Revised~~ 6077
~~Code involving a victim who at the time of the commission of the~~ 6078
~~offense was a member of the family or household that is the~~ 6079
~~subject of the proceeding, has been convicted of or pleaded~~ 6080

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

~~If the court determines that the parent who is granted the parenting time rights 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, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G) (1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that~~

~~that parent will be given a copy of any notice of relocation
filed pursuant to division (G) (1) of this section, and issues
specific written findings of fact in support of its
determination.~~

~~(4) If a parent who is granted parenting time rights
pursuant to this section or any other section of the Revised
Code is authorized by an order issued pursuant to this section
or any other court order to receive a copy of any notice of
relocation that is filed pursuant to division (G) (1) of this
section or pursuant to court order, if the residential parent
intends to move to a residence other than the residence address
specified in the parenting time order, and if the residential
parent does not want the parent who is granted the parenting
time rights to receive a copy of the relocation notice because
the parent with parenting time rights 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 residential parent may file a motion with the court
requesting that the parent who is granted the parenting time
rights not receive a copy of any notice of relocation. Upon the
filing of the motion, the court shall schedule a hearing on the
motion and give both parents notice of the date, time, and
location of the hearing. If the court determines that the parent~~

~~who is granted the parenting time rights has been so convicted— 6143~~
~~or has been determined to be the perpetrator of an abusive act— 6144~~
~~that is the basis of a child abuse adjudication, the court shall 6145~~
~~issue an order stating that the parent who is granted the 6146~~
~~parenting time rights will not be given a copy of any notice of 6147~~
~~relocation that is filed with the court pursuant to division (G) 6148~~
~~(1) of this section or that the residential parent is no longer 6149~~
~~required to give that parent a copy of any notice of relocation— 6150~~
~~unless the court determines that it is in the best interest of 6151~~
~~the children to give that parent a copy of the notice of 6152~~
~~relocation, issues an order stating that that parent will be 6153~~
~~given a copy of any notice of relocation filed pursuant to 6154~~
~~division (G) (1) of this section, and issues specific written 6155~~
~~findings of fact in support of its determination. If it does not 6156~~
~~so find, it shall dismiss the motion.— 6157~~

~~(H) (1) Subject to section 3125.16 and division (F) of 6158~~
~~section 3319.321 of the Revised Code, a parent of a child who is 6159~~
~~not the residential parent of the child is entitled to access, 6160~~
~~under the same terms and conditions under which access is 6161~~
~~provided to the residential parent, to any record that is 6162~~
~~related to the child and to which the residential parent of the 6163~~
~~child legally is provided access, unless the court determines 6164~~
~~that it would not be in the best interest of the child for the 6165~~
~~parent who is not the residential parent to have access to the 6166~~
~~records under those same terms and conditions. If the court 6167~~
~~determines that the parent of a child who is not the residential 6168~~
~~parent should not have access to records related to the child 6169~~
~~under the same terms and conditions as provided for the 6170~~
~~residential parent, the court shall specify the terms and 6171~~
~~conditions under which the parent who is not the residential 6172~~
~~parent is to have access to those records, shall enter its— 6173~~

~~written findings of facts and opinion in the journal, and shall
issue an order containing the terms and conditions to both the
residential parent and the parent of the child who is not the
residential parent. The court shall include in every order
issued pursuant to this division notice that any keeper of a
record who knowingly fails to comply with the order or division
(H) of this section is in contempt of court.~~

~~(2) Subject to section 3125.16 and division (F) of section
3319.321 of the Revised Code, subsequent to the issuance of an
order under division (H) (1) of this section, the keeper of any
record that is related to a particular child and to which the
residential parent legally is provided access shall permit the
parent of the child who is not the residential parent to have
access to the record under the same terms and conditions under
which access is provided to the residential parent, unless the
residential parent has presented the keeper of the record with a
copy of an order issued under division (H) (1) of this section
that limits the terms and conditions under which the parent who
is not the residential parent is to have access to records
pertaining to the child and the order pertains to the record in
question. If the residential parent presents the keeper of the
record with a copy of that type of order, the keeper of the
record shall permit the parent who is not the residential parent
to have access to the record only in accordance with the most
recent order that has been issued pursuant to division (H) (1) of
this section and presented to the keeper by the residential
parent or the parent who is not the residential parent. Any
keeper of any record who knowingly fails to comply with division
(H) of this section or with any order issued pursuant to
division (H) (1) of this section is in contempt of court.~~

~~(3) The prosecuting attorney of any county may file a~~

~~complaint with the court of common pleas of that county— 6205~~
~~requesting the court to issue a protective order preventing the 6206~~
~~disclosure pursuant to division (H) (1) or (2) of this section of 6207~~
~~any confidential law enforcement investigatory record. The court 6208~~
~~shall schedule a hearing on the motion and give notice of the 6209~~
~~date, time, and location of the hearing to all parties.— 6210~~

~~(I) A court that issues a parenting time order or decree— 6211~~
~~pursuant to this section or section 3109.12 of the Revised Code— 6212~~
~~shall determine whether the parent granted the right of 6213~~
~~parenting time is to be permitted access, in accordance with 6214~~
~~section 5104.039 of the Revised Code, to any child care center— 6215~~
~~that is, or that in the future may be, attended by the children— 6216~~
~~with whom the right of parenting time is granted. Unless the 6217~~
~~court determines that the parent who is not the residential— 6218~~
~~parent should not have access to the center to the same extent— 6219~~
~~that the residential parent is granted access to the center, the 6220~~
~~parent who is not the residential parent and who is granted 6221~~
~~parenting time rights is entitled to access to the center to the 6222~~
~~same extent that the residential parent is granted access to the 6223~~
~~center. If the court determines that the parent who is not the 6224~~
~~residential parent should not have access to the center to the 6225~~
~~same extent that the residential parent is granted such access— 6226~~
~~under section 5104.039 of the Revised Code, the court shall— 6227~~
~~specify the terms and conditions under which the parent who is 6228~~
~~not the residential parent is to have access to the center,— 6229~~
~~provided that the access shall not be greater than the access— 6230~~
~~that is provided to the residential parent under section— 6231~~
~~5104.039 of the Revised Code, the court shall enter its written 6232~~
~~findings of fact and opinions in the journal, and the court— 6233~~
~~shall include the terms and conditions of access in the— 6234~~
~~parenting time order or decree.— 6235~~

~~(J) (1) Subject to division (F) of section 3319.321 of the Revised Code, when a court issues an order or decree allocating parental rights and responsibilities for the care of a child, the parent of the child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any student activity that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child to grant the parent who is not the residential parent access to the student activities under those same terms and conditions. If the court determines that the parent of the child who is not the residential parent should not have access to any student activity that is related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those student activities, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any school official or employee who knowingly fails to comply with the order or division (J) of this section is in contempt of court.~~

~~(2) Subject to division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (J) (1) of this section, all school officials and employees shall permit the parent of the child who is not the residential parent to have access to any student activity under the same terms and conditions under which access is provided to~~

~~the residential parent of the child, unless the residential-~~ 6267
~~parent has presented the school official or employee, the board-~~ 6268
~~of education of the school, or the governing body of the-~~ 6269
~~chartered nonpublic school with a copy of an order issued under-~~ 6270
~~division (J) (1) of this section that limits the terms and-~~ 6271
~~conditions under which the parent who is not the residential-~~ 6272
~~parent is to have access to student activities related to the-~~ 6273
~~child and the order pertains to the student activity in-~~ 6274
~~question. If the residential parent presents the school official~~ 6275
~~or employee, the board of education of the school, or the-~~ 6276
~~governing body of the chartered nonpublic school with a copy of-~~ 6277
~~that type of order, the school official or employee shall permit~~ 6278
~~the parent who is not the residential parent to have access to-~~ 6279
~~the student activity only in accordance with the most recent-~~ 6280
~~order that has been issued pursuant to division (J) (1) of this-~~ 6281
~~section and presented to the school official or employee, the-~~ 6282
~~board of education of the school, or the governing body of the-~~ 6283
~~chartered nonpublic school by the residential parent or the-~~ 6284
~~parent who is not the residential parent. Any school official or~~ 6285
~~employee who knowingly fails to comply with division (J) of this~~ 6286
~~section or with any order issued pursuant to division (J) (1) of-~~ 6287
~~this section is in contempt of court.~~ 6288

~~(K) If any person is found in contempt of court for-~~ 6289
~~failing to comply with or interfering with any order or decree-~~ 6290
~~granting parenting time rights issued pursuant to this section-~~ 6291
~~or section 3109.12 of the Revised Code or companionship or~~ 6292
~~visitation rights issued pursuant to this section, section-~~ 6293
~~3109.11 or 3109.12 of the Revised Code, or any other provision-~~ 6294
~~of the Revised Code, the court that makes the finding, in-~~ 6295
~~addition to any other penalty or remedy imposed, shall assess-~~ 6296
~~all court costs arising out of the contempt proceeding against-~~ 6297

~~the person and require the person to pay any reasonable
attorney's fees of any adverse party, as determined by the
court, that arose in relation to the act of contempt, and may
award reasonable compensatory parenting time or visitation to
the person whose right of parenting time or visitation was
affected by the failure or interference if such compensatory
parenting time or visitation is in the best interest of the
child. Any compensatory parenting time or visitation awarded
under this division shall be included in an order issued by the
court and, to the extent possible, shall be governed by the same
terms and conditions as was the parenting time or visitation
that was affected by the failure or interference.~~

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

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

~~(a) An order delegating all or part of the parent's~~

~~parenting time with the child to a relative or to another person 6328~~
~~who has a close and substantial relationship with the child if 6329~~
~~the delegation is in the child's best interest; 6330~~

~~(b) An order that the other parent make the child 6331~~
~~reasonably available for parenting time with the parent when the 6332~~
~~parent is on leave from active military service; 6333~~

~~(c) An order that the other parent facilitate contact, 6334~~
~~including telephone and electronic contact, between the parent 6335~~
~~and child while the parent is on active military service. 6336~~

~~(2) (a) Upon receipt of an order for active military 6337~~
~~service, a parent who is subject to a parenting time order and 6338~~
~~seeks an order under division (M) (1) of this section shall 6339~~
~~notify the other parent who is subject to the parenting time 6340~~
~~order and apply to the court as soon as reasonably possible 6341~~
~~after receipt of the order for active military service. The 6342~~
~~application shall include the date on which the active military 6343~~
~~service begins. 6344~~

~~(b) The court shall schedule a hearing upon receipt of an 6345~~
~~application under division (M) of this section and hold the 6346~~
~~hearing not later than thirty days after its receipt, except 6347~~
~~that the court shall give the case calendar priority and handle 6348~~
~~the case expeditiously if exigent circumstances exist in the 6349~~
~~case. No hearing shall be required if both parents agree to the 6350~~
~~terms of the requested temporary order and the court determines 6351~~
~~that the order is in the child's best interest. 6352~~

~~(c) In determining whether a delegation under division (M) 6353~~
~~(1) (a) of this section is in the child's best interest, the 6354~~
~~court shall consider all relevant factors, including the factors 6355~~
~~set forth in division (D) of this section. 6356~~

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

~~(3) At the request of a parent who is ordered for active military service in the uniformed services and who is a subject of a proceeding pertaining to a parenting time order or pertaining to a request for companionship rights or visitation with a child, the court shall permit the parent to participate in the proceeding and present evidence by electronic means, including communication by telephone, video, or internet to the extent permitted by rules of the supreme court of Ohio.~~

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

~~(O) As used in this section sections 3109.0516 to 3109.0529 of the Revised Code:~~

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

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

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

~~(4) "Parenting time order" means an order establishing the amount of time that a child spends with the parent who is not the residential parent or the amount of time that the child is~~

~~to be physically located with a parent under a shared parenting-~~ 6386
~~order.~~ 6387

~~(5)~~ (B) "Record" means any record, document, file, or 6388
other material that contains information directly related to a 6389
child, including, but not limited to, any of the following: 6390

~~(a)~~ (1) Records maintained by public and nonpublic 6391
schools; 6392

~~(b)~~ (2) Records maintained by facilities that provide 6393
child care, as defined in section 5104.01 of the Revised Code, 6394
publicly funded child care, as defined in section 5104.01 of the 6395
Revised Code, or pre-school services operated by or under the 6396
supervision of a school district board of education or a 6397
nonpublic school; 6398

~~(c)~~ (3) Records maintained by hospitals, other facilities, 6399
or persons providing medical or surgical care or treatment for 6400
the child; 6401

~~(d)~~ (4) Records maintained by agencies, departments, 6402
instrumentalities, or other entities of the state or any 6403
political subdivision of the state, other than a child support 6404
enforcement agency. Access to records maintained by a child 6405
support enforcement agency is governed by section 3125.16 of the 6406
Revised Code. 6407

Sec. 3109.0516. Subject to section 3125.16 and division 6408
(F) of section 3319.321 of the Revised Code, a parent or legal 6409
custodian of a child is entitled to access to any record that is 6410
related to the child, unless the court determines that it would 6411
not be in the best interest of the child for the parent or legal 6412
custodian to have access to the records. 6413

Sec. 3109.0517. If the court determines that a parent or 6414

legal custodian of a child should not have access to records 6415
related to the child, the court shall do the following: 6416

(A) Specify the terms, conditions, and limitations under 6417
which the parent or legal custodian is to have access to those 6418
records; 6419

(B) Enter its written findings of facts and conclusions of 6420
law in the journal; 6421

(C) Issue an order containing both of the following: 6422

(1) The terms, conditions, and limitations on the parent 6423
or legal custodian; 6424

(2) A notice that any keeper of a record who knowingly 6425
fails to comply with the order or section 3109.0516 of the 6426
Revised Code may be found in contempt of court. 6427

Sec. 3109.0518. (A) Subject to section 3125.16 and 6428
division (F) of section 3319.321 of the Revised Code, after the 6429
issuance of an order under section 3109.0517 of the Revised 6430
Code, the keeper of any record regarding a particular child and 6431
to which a parent or legal custodian legally is provided access 6432
shall permit the parent or legal custodian of the child to have 6433
access to the record, unless a parent or legal custodian has 6434
presented the keeper of the record with a copy of an order 6435
issued under section 3109.0517 of the Revised Code that 6436
specifies the terms, conditions, and limitations under which a 6437
parent or legal custodian may have access to records pertaining 6438
to the child and the order pertains to the record in question. 6439

(B) The keeper of the record shall permit the parent or 6440
legal custodian to have access to the record only in accordance 6441
with the most recent order that has been issued pursuant to 6442
section 3109.0517 of the Revised Code and presented to the 6443

keeper by the parent or legal custodian. 6444

(C) Any keeper of any record who knowingly fails to comply 6445
with section 3109.0516 of the Revised Code or with any order 6446
issued pursuant to section 3109.0517 of the Revised Code may be 6447
found in contempt of court. 6448

Sec. 3109.0519. The prosecuting attorney of any county may 6449
file a complaint with the court of common pleas of that county 6450
requesting the court to issue a protective order preventing the 6451
disclosure pursuant to sections 3109.0516 to 3109.0518 of the 6452
Revised Code of any confidential law enforcement investigatory 6453
record. The court shall schedule a hearing on the motion and 6454
give notice of the date, time, and location of the hearing to 6455
all parties. 6456

Sec. 3109.0521. Subject to section 5104.039 of the Revised 6457
Code, a parent or legal custodian who has been allocated 6458
parenting responsibilities is permitted access, in accordance 6459
with section 5104.039 of the Revised Code, to any child care 6460
center that is, or that in the future may be, attended by the 6461
child, unless the court determines that it is not in the child's 6462
best interest for a parent or legal custodian to have access to 6463
the center. 6464

Sec. 3109.0522. If the court determines that the parent or 6465
legal custodian should not have access to a child care center, 6466
the court shall do the following: 6467

(A) Specify the terms, conditions, or limitations under 6468
which the parent or legal custodian is to have access to the 6469
center; 6470

(B) Enter its written findings of fact and conclusions of 6471
law in the journal; 6472

(C) Issue an order containing both of the following:

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(1) The terms, conditions, or limitations of access to the
parent or legal custodian;

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(2) A notice that any child care center official or
employee who knowingly fails to comply with the order or section
3109.0521 of the Revised Code may be found in contempt of court.

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Sec. 3109.0523. All child care center officials and
employees shall permit a parent or legal custodian who has been
allocated parenting responsibilities to have access to any child
care center that is, or that in the future may be, attended by
the child, unless presented with a copy of an order issued under
section 3109.0522 of the Revised Code that specifies the terms,
conditions, or limitations under which a parent or legal
custodian may access the child care center. The child care
center official or employee shall permit a parent or legal
custodian to have access to the center only in accordance with
the most recent order issued and presented.

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Sec. 3109.0524. Any child care center official or employee
who knowingly fails to comply with section 3109.0521 of the
Revised Code or with any order issued pursuant to section
3109.0522 of the Revised Code may be found in contempt of court.

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Sec. 3109.0526. Subject to division (F) of section
3319.321 of the Revised Code, when a court issues an order or
decree allocating parenting responsibilities, the parents or
legal custodian of the child are entitled to access to any
student activity that is related to the child, unless the court
determines that it would not be in the best interest of the
child to grant the parent or legal custodian access to the
student activities.

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Sec. 3109.0527. If the court determines that a parent or 6502
legal custodian should not have access to any student activity, 6503
the court shall do the following: 6504

(A) Specify the terms, conditions, or limitations under 6505
which the parent or legal custodian is to have access to those 6506
student activities; 6507

(B) Enter its written findings of facts and conclusions of 6508
law in the journal; 6509

(C) Issue an order containing both of the following: 6510

(1) The terms, conditions, or limitations to both the 6511
parents and legal custodian; 6512

(2) A notice that any school official or employee who 6513
knowingly fails to comply with the order or section 3109.0526 of 6514
the Revised Code may be found in contempt of court. 6515

Sec. 3109.0528. Subject to division (F) of section 6516
3319.321 of the Revised Code, subsequent to the issuance of an 6517
order under section 3109.0527 of the Revised Code, all school 6518
officials and employees, the board of education of a school, or 6519
the governing body of a chartered nonpublic school shall permit 6520
the parent or legal custodian to have access to any student 6521
activity, unless the designated parent or legal custodian has 6522
presented the school official or employee, the board of 6523
education of the school, or the governing body of the chartered 6524
nonpublic school with a copy of an order issued under section 6525
3109.0527 of the Revised Code that specifies the terms, 6526
conditions, or limitations under which the parent or legal 6527
custodian is to have access to student activities related to the 6528
child and the order pertains to the student activity in 6529
question. 6530

The school official or employee, the board of education of 6531
the school, or the governing body of the chartered nonpublic 6532
school that is presented with a copy of that type of order shall 6533
permit the parent or legal custodian to have access to the 6534
student activity only in accordance with the most recent order 6535
that has been issued pursuant to section 3109.0527 of the 6536
Revised Code and presented to the school official or employee, 6537
the board of education of the school, or the governing body of 6538
the chartered nonpublic school. 6539

Sec. 3109.0529. Any school official or employee who 6540
knowingly fails to comply with section 3109.0526 of the Revised 6541
Code or with any order issued pursuant to section 3109.0527 of 6542
the Revised Code may be found in contempt of court. 6543

Sec. ~~3109.054~~ 3109.0550. When allocating ~~parental rights~~ 6544
~~and parenting responsibilities or parenting time~~ under a 6545
parenting plan, no court shall deny or limit a parent's ~~parental~~ 6546
~~rights and parenting responsibilities or parenting time~~ based on 6547
the parent's decision to do any of the following: 6548

(A) Refer to and raise the child in a manner consistent 6549
with the child's biological sex; 6550

(B) Decline to consent to the child receiving gender 6551
transition services as defined in section 3129.01 of the Revised 6552
Code; 6553

(C) Decline to consent to the child receiving counseling 6554
or other mental health services for the purpose of affirming the 6555
child's perception of the child's gender or sex, if the child's 6556
perception is inconsistent with the child's biological sex. 6557

Sec. ~~3109.055~~ 3109.0570. (A) If a child is born to an 6558
unmarried woman and the father of the child has acknowledged the 6559

child and that acknowledgment has become final pursuant to 6560
section 2151.232, 3111.25, or 3111.821 of the Revised Code or 6561
has been determined in an action under Chapter 3111. of the 6562
Revised Code to be the father of the child, the court, upon its 6563
own motion or the motion of one of the parties, may order the 6564
parents to undergo conciliation with a magistrate in order to 6565
resolve any disputes regarding the allocation of ~~parental rights~~ 6566
~~and parenting~~ responsibilities between the parents in a case 6567
pending before the court. An order requiring conciliation shall 6568
set forth the ~~the~~ name of the magistrate who will serve as the 6569
conciliator and the manner in which the costs of any 6570
conciliation procedures are to be paid. 6571

(B) A magistrate who serves as a conciliator shall use 6572
conciliation procedures to resolve a dispute regarding the 6573
allocation of ~~parental rights and parenting~~ responsibilities 6574
and, upon resolution of the dispute, issue an order regarding 6575
the allocation of ~~parental rights and parenting~~ responsibilities 6576
under a parenting plan, ~~parenting time~~, or companionship or 6577
visitation pursuant to section 2151.23, sections 3109.04 to 6578
3109.0498, or section 3109.12 of the Revised Code. The 6579
conciliation procedures may include without limitation the use 6580
of family counselors and service agencies, community health 6581
services, physicians, licensed psychologists, or clergy. If the 6582
magistrate orders the parties to undergo family counseling, the 6583
magistrate shall name the counselor and set forth the required 6584
type of counseling, the length of time for the counseling, and 6585
any other specific conditions. No order regarding ~~the allocation~~ 6586
~~of parental rights and parenting~~ responsibilities, ~~parenting~~ 6587
~~time~~, or companionship or visitation shall be issued until the 6588
conciliation has concluded and been reported to the magistrate. 6589

Sec. 3109.06. Except as provided in division (K) of 6590

section 2301.03 of the Revised Code, any court, other than a 6591
juvenile court, that has jurisdiction in any case respecting the 6592
allocation of parental rights and parenting responsibilities ~~for~~ 6593
~~the care of a child under eighteen years of age~~ and the 6594
designation of the child's place of residence and legal 6595
custodian or in any case respecting the support of a child under 6596
eighteen years of age, may, on its own motion or on motion of 6597
any interested party, certify the record in the case or so much 6598
of the record and such further information, in narrative form or 6599
otherwise, as the court deems necessary or the juvenile court 6600
requests, to the juvenile court for further proceedings; upon 6601
the certification, the juvenile court shall have exclusive 6602
jurisdiction. 6603

In cases in which the court of common pleas finds the 6604
parents or legal custodian unsuitable to have ~~the parental-~~ 6605
~~rights and parenting~~ responsibilities ~~for the care of the child-~~ 6606
~~or children~~ and unsuitable to provide the place of residence and 6607
to be the legal custodian of the child or children, consent of 6608
the juvenile court shall not be required to such certification. 6609
This section applies to actions pending on August 28, 1951. 6610

In any case in which a court of common pleas, or other 6611
court having jurisdiction, has issued an order that allocates 6612
parental rights and parenting responsibilities ~~for the care of-~~ 6613
~~minor children~~ and designates their place of residence and legal 6614
custodian of minor children, has made an order for support of 6615
minor children, or has done both, the jurisdiction of the court 6616
shall not abate upon the death of the person awarded custody but 6617
shall continue for all purposes during the minority of the 6618
children. The court, upon its own motion or the motion of either 6619
parent or of any interested person acting on behalf of the 6620
children, may proceed to make further disposition of the case in 6621

the best interests of the children and subject to sections 6622
3109.42 to 3109.48 of the Revised Code. If the children are 6623
under eighteen years of age, it may certify them, pursuant to 6624
this section, to the juvenile court of any county for further 6625
proceedings. After certification to a juvenile court, the 6626
jurisdiction of the court of common pleas, or other court, shall 6627
cease, except as to any payments of spousal support due for the 6628
spouse and support payments due and unpaid for the children at 6629
the time of the certification. 6630

Any disposition made pursuant to this section, whether by 6631
a juvenile court after a case is certified to it, or by any 6632
court upon the death of a person awarded custody of a child, 6633
shall be made in accordance with sections 3109.04 to 3109.0498 6634
and 3109.42 to 3109.48 of the Revised Code. If an appeal is 6635
taken from a decision made pursuant to this section that 6636
allocates ~~parental rights and parenting~~ responsibilities ~~for the~~ 6637
~~care of a minor child~~ and designates the child's place of 6638
residence and legal custodian, the court of appeals shall give 6639
the case calendar priority and handle it expeditiously. 6640

Sec. 3109.061. Nothing in sections 2151.233 to 2151.236 6641
and 2301.03 of the Revised Code shall be construed to prevent a 6642
domestic relations court from certifying a case to a juvenile 6643
court under ~~division (D) (2) of section 3109.04~~ 3109.0414 of the 6644
Revised Code or section 3109.06 of the Revised Code. Consent of 6645
the juvenile court shall not be required for the certification. 6646

As used in this section, "domestic relations court" has 6647
the same meaning as in section 2151.233 of the Revised Code. 6648

Sec. 3109.09. (A) As used in this section, "parent" means 6649
one of the following: 6650

(1) Both parents unless division (A) (2) or (3) of this 6651
section applies; 6652

(2) The designated parent ~~designated the residential~~ 6653
~~parent~~ and legal custodian pursuant to an order issued under 6654
section ~~3109.04~~ 3109.041 of the Revised Code ~~that is not a~~ 6655
~~shared parenting order~~; 6656

(3) The ~~custodial~~ parent of a child born out of wedlock_ 6657
who is the child's sole designated parent and legal custodian 6658
with respect to whom no ~~custody~~ order allocating parenting 6659
responsibilities has been issued. 6660

(B) Any owner of property, including any board of 6661
education of a city, local, exempted village, or joint 6662
vocational school district, may maintain a civil action to 6663
recover compensatory damages not exceeding ten thousand dollars 6664
and court costs from the parent of a minor if the minor 6665
willfully damages property belonging to the owner or commits 6666
acts cognizable as a "theft offense," as defined in section 6667
2913.01 of the Revised Code, involving the property of the 6668
owner. The action may be joined with an action under Chapter 6669
2737. of the Revised Code against the minor, or the minor and 6670
the minor's parent, to recover the property regardless of value, 6671
but any additional damages recovered from the parent pursuant to 6672
this section shall be limited to compensatory damages not 6673
exceeding ten thousand dollars, as authorized by this section. A 6674
finding of willful destruction of property or of committing acts 6675
cognizable as a theft offense is not dependent upon a prior 6676
finding that the child is a delinquent child or upon the child's 6677
conviction of any criminal offense. 6678

(C) (1) If a court renders a judgment in favor of a board 6679
of education of a city, local, exempted village, or joint 6680

vocational school district in an action brought pursuant to 6681
division (B) of this section, if the board of education agrees 6682
to the parent's performance of community service in lieu of full 6683
payment of the judgment, and if the parent who is responsible 6684
for the payment of the judgment agrees to voluntarily 6685
participate in the performance of community service in lieu of 6686
full payment of the judgment, the court may order the parent to 6687
perform community service in lieu of providing full payment of 6688
the judgment. 6689

(2) If a court, pursuant to division (C)(1) of this 6690
section, orders a parent to perform community service in lieu of 6691
providing full payment of a judgment, the court shall specify in 6692
its order the amount of the judgment, if any, to be paid by the 6693
parent, the type and number of hours of community service to be 6694
performed by the parent, and any other conditions necessary to 6695
carry out the order. 6696

(D) This section shall not apply to a parent of a minor if 6697
the minor was married at the time of the commission of the acts 6698
or violations that would otherwise give rise to a civil action 6699
commenced under this section. 6700

(E) Any action brought pursuant to this section shall be 6701
commenced and heard as in other civil actions. 6702

(F) The monetary limitation upon compensatory damages set 6703
forth in this section does not apply to a civil action brought 6704
pursuant to section 2307.70 of the Revised Code. 6705

Sec. 3109.11. If either the father or mother of an 6706
unmarried minor child is deceased, the court of common pleas of 6707
the county in which the minor child resides may grant the 6708
parents and other relatives of the deceased father or mother 6709

reasonable companionship or visitation ~~rights~~ with respect to 6710
the minor child during the child's minority if the parent or 6711
other relative files a complaint requesting reasonable 6712
companionship or visitation ~~rights~~ and if the court determines 6713
that the granting of the companionship or visitation ~~rights~~ is 6714
in the best interest of the minor child. In determining whether 6715
to grant any person reasonable companionship or visitation 6716
~~rights~~ with respect to any child, the court shall consider all 6717
relevant factors, including, but not limited to, the factors set 6718
forth in ~~division (D) of section 3109.051-3109.057~~ of the 6719
Revised Code. ~~Divisions (C), (K), and (L) of section 3109.051-~~ 6720
Sections 3109.056 and 3109.058 to 3109.0510 of the Revised Code 6721
apply to the determination of reasonable companionship or 6722
visitation ~~rights~~ under this section and to any order granting 6723
any such rights that is issued under this section. 6724

The remarriage of the surviving parent of the child or the 6725
adoption of the child by the spouse of the surviving parent of 6726
the child does not affect the authority of the court under this 6727
section to grant reasonable companionship or visitation ~~rights~~ 6728
with respect to the child to a parent or other relative of the 6729
child's deceased father or mother. 6730

If the court denies a request for reasonable companionship 6731
or visitation ~~rights~~ made pursuant to this section and the 6732
complainant files a written request for findings of fact and 6733
conclusions of law, the court shall state in writing its 6734
findings of fact and conclusions of law in accordance with Civil 6735
Rule 52. 6736

Except as provided in division (E)(6) of section 3113.31 6737
of the Revised Code, if the court, pursuant to this section, 6738
grants any person companionship or visitation ~~rights~~ with 6739

respect to any child, it shall not require the public children 6740
services agency to provide supervision of or other services 6741
related to that person's exercise of companionship or visitation 6742
~~rights~~ with respect to the child. This section does not limit 6743
the power of a juvenile court pursuant to Chapter 2151. of the 6744
Revised Code to issue orders with respect to children who are 6745
alleged to be abused, neglected, or dependent children or to 6746
make dispositions of children who are adjudicated abused, 6747
neglected, or dependent children or of a common pleas court to 6748
issue orders pursuant to section 3113.31 of the Revised Code. 6749

Sec. 3109.12. (A) If a child is born to an unmarried 6750
woman, the parents of the woman and any relative of the woman 6751
may file a complaint requesting the court of common pleas of the 6752
county in which the child resides to grant them reasonable 6753
companionship or visitation ~~rights~~ with the child. If a child is 6754
born to an unmarried woman and if the father of the child has 6755
acknowledged the child and that acknowledgment has become final 6756
pursuant to section 2151.232, 3111.25, or 3111.821 of the 6757
Revised Code or has been determined in an action under Chapter 6758
3111. of the Revised Code to be the father of the child, the 6759
father may file a complaint requesting that the court of 6760
appropriate jurisdiction of the county in which the child 6761
resides grant him ~~reasonable parenting time rights with the~~ 6762
~~child~~ parenting responsibilities pursuant to sections 3109.041 6763
to 3109.0498 of the Revised Code and the parents of the father 6764
and any relative of the father may file a complaint requesting 6765
that the court grant them reasonable companionship or visitation 6766
~~rights~~ with the child. 6767

(B) The court may grant ~~the parenting time rights~~ 6768
responsibilities or companionship or visitation ~~rights~~ requested 6769
under division (A) of this section, if it determines that the 6770

granting of ~~the parenting time rights responsibilities or~~ 6771
companionship or visitation ~~rights~~ is in the best interest of 6772
the child. In determining whether to grant parenting 6773
responsibilities or grant reasonable parenting time rights or 6774
~~reasonable~~ companionship or visitation ~~rights~~ with respect to 6775
any child, the court shall consider all relevant factors, 6776
including, but not limited to, the factors set forth in ~~division~~ 6777
~~(D) of section 3109.051~~ sections 3109.0430 and 3109.057 of the 6778
Revised Code. ~~Divisions (C), (K), and (L) of section 3109.051~~ 6779
Sections 3109.056 and 3109.058 to 3109.0510 of the Revised Code 6780
apply to the determination of reasonable ~~parenting time rights~~ 6781
~~or reasonable~~ companionship or visitation ~~rights~~ under this 6782
section and to any order granting any such rights that is issued 6783
under this section. 6784

The marriage or remarriage of the mother or father of a 6785
child does not affect the authority of the court under this 6786
section to grant the natural father ~~reasonable parenting time~~ 6787
~~rights responsibilities~~ or the parents or relatives of the 6788
natural father or the parents or relatives of the mother of the 6789
child reasonable companionship or visitation ~~rights~~ with respect 6790
to the child. 6791

If the court denies a request for ~~reasonable parenting~~ 6792
~~time rights responsibilities or reasonable~~ companionship or 6793
visitation ~~rights~~ made pursuant to division (A) of this section 6794
and the complainant files a written request for findings of fact 6795
and conclusions of law, the court shall state in writing its 6796
findings of fact and conclusions of law in accordance with Civil 6797
Rule 52. 6798

Except as provided in division (E) (6) of section 3113.31 6799
of the Revised Code, if the court, pursuant to this section, 6800

grants parenting ~~time rights~~ responsibilities or companionship or 6801
visitation ~~rights~~ with respect to any child, it shall not 6802
require the public children services agency to provide 6803
supervision of or other services related to that parent's 6804
exercise of parenting ~~time rights~~ responsibilities with the 6805
child or that person's exercise of companionship or visitation 6806
~~rights~~ with the child. This section does not limit the power of 6807
a juvenile court pursuant to Chapter 2151. of the Revised Code 6808
to issue orders with respect to children who are alleged to be 6809
abused, neglected, or dependent children or to make dispositions 6810
of children who are adjudicated abused, neglected, or dependent 6811
children or of a common pleas court to issue orders pursuant to 6812
section 3113.31 of the Revised Code. 6813

Sec. 3109.401. (A) The general assembly finds the 6814
following: 6815

(1) That the parent and child relationship is of 6816
fundamental importance to the welfare of a child, and that the 6817
relationship between a child and each parent should be fostered 6818
unless inconsistent with the child's best interests; 6819

(2) That parents have the responsibility to make decisions 6820
and perform other parenting functions necessary for the care and 6821
growth of their children; 6822

(3) That the courts, when allocating parenting ~~functions~~ 6823
~~and responsibilities~~ with respect to the child in a ~~divorce,~~ 6824
~~dissolution of marriage, legal separation, annulment, or any~~ 6825
~~other proceeding addressing~~ pertaining to the allocation of 6826
~~parental rights and parenting~~ responsibilities, must determine 6827
the child's best interests; 6828

(4) That the courts and parents must take into 6829

consideration the following general principles when allocating 6830
~~parental rights and parenting~~ responsibilities and developing 6831
appropriate terms for parenting plans: 6832

(a) Children are served by a parenting arrangement that 6833
best provides for a child's safety, emotional growth, health, 6834
stability, and physical care. 6835

(b) Exposure of the child to harmful parental conflict 6836
should be minimized as much as possible. 6837

(c) Whenever appropriate, parents should be encouraged to 6838
meet their responsibilities to their children through agreements 6839
rather than by relying on judicial intervention. 6840

(d) When a parenting plan provides for mutual decision- 6841
making responsibility by the parents but they are unable to make 6842
decisions mutually, they should make a good faith effort to 6843
utilize the mediation process as required by the parenting plan. 6844

(e) In apportioning between the parents the daily physical 6845
living arrangements of the child and the child's location during 6846
legal and school holidays, vacations, and days of special 6847
importance, a court should not impose any type of standard 6848
schedule unless a standard schedule meets the needs of the child 6849
better than any proposed alternative parenting plan. 6850

(B) It is, therefore, the ~~purpose~~ public policy of this 6851
chapter, when it is in the child's best interest, ~~to~~: 6852

(1) To foster and continue the relationship between the 6853
child and each parent when a court allocates ~~parental rights and~~ 6854
~~parenting responsibilities with respect to the child in a~~ 6855
~~divorce, dissolution, legal separation, annulment, or any other~~ 6856
~~proceeding addressing the allocation of parental rights and~~ 6857
~~responsibilities;~~ 6858

(2) For the child's parents to have substantial, 6859
meaningful, and developmentally appropriate parenting time with 6860
the child; 6861

(3) To have both parents participate in decision-making 6862
regarding the child. 6863

Sec. 3109.41. As used in sections 3109.41 to 3109.48 of 6864
the Revised Code: 6865

(A) A person is "convicted of killing" if the person has 6866
been convicted of or pleaded guilty to a violation of section 6867
2903.01, 2903.02, or 2903.03 of the Revised Code. 6868

(B) "Custody order" means an order designating a person as 6869
the residential parent and legal custodian of a child under 6870
section 3109.04 of the Revised Code, as that section existed 6871
prior to the effective date of this amendment, or an order 6872
designating a person the designated parent and legal custodian 6873
in the allocation of parenting responsibilities under sections 6874
3109.04 to 3109.0498 of the Revised Code, or any order 6875
determining custody of a child under section 2151.23, 2151.33, 6876
2151.353, 2151.354, 2151.415, 2151.417, 2152.16, 2152.17, 6877
2152.19, 2152.21, or 3113.31 of the Revised Code. 6878

(C) "Visitation order" means an order issued under 6879
division (B) (1) (c) of section 2151.33 ~~or,~~ under section 2151.412 6880
of the Revised Code, or under section 3109.051, 3109.12, or 6881
3113.31 of the Revised Code, as those sections existed prior to 6882
the effective date of this amendment. 6883

Sec. 3109.42. Except as provided in section 3109.47 of the 6884
Revised Code, if a parent is convicted of killing the other 6885
parent of a child, no court shall issue a custody order 6886
~~designating the parent as the residential parent and legal~~ 6887

~~custodian of the child or granting custody of regarding the~~ 6888
~~child to the parent.~~ 6889

Sec. 3109.43. Except as provided in section 3109.47 of the 6890
Revised Code, if a parent is convicted of killing the other 6891
parent of a child, no court shall issue ~~a visitation an~~ order 6892
granting the parent ~~visitation rights with any access to the~~ 6893
child, including allocating parenting responsibilities. 6894

Sec. 3109.44. Upon receipt of notice that a visitation 6895
order ~~is pending or~~ has been issued granting a parent visitation 6896
~~rights with a child or a custody order is pending or has been~~ 6897
issued designating a parent as the residential parent and legal- 6898
~~custodian of a child or granting custody of allocating parenting~~ 6899
responsibilities for a child to a parent prior to that parent 6900
being convicted of killing the other parent of the child, the 6901
court in which the parent is convicted of killing the other 6902
parent shall immediately notify the court that issued the 6903
visitation or custody order of the conviction. 6904

Sec. 3109.47. (A) ~~A court may do one of the following with~~ 6905
With respect to a parent convicted of killing the other parent 6906
of a child, a court may, if the court determines, by clear and 6907
convincing evidence, that it is in the best interest of the 6908
child and the child consents~~+~~ 6909

~~(1) Issue, issue a custody order designating the parent as~~ 6910
~~the residential parent and legal custodian of the child or~~ 6911
~~granting custody of the child allocating parenting~~ 6912
responsibilities to that parent~~+~~ 6913

~~(2) Issue a visitation order granting that parent~~ 6914
~~visitation rights with the child.~~ 6915

(B) When considering the ability of a child to consent and 6916

the validity of a child's consent under this section, the court 6917
shall consider the wishes of the child, as expressed directly by 6918
the child or through the child's guardian ad litem, with due 6919
regard for the maturity of the child. 6920

Sec. 3109.48. No person, with the child of the parent 6921
present, shall visit the parent who has been convicted of 6922
killing the child's other parent unless a court has issued ~~an~~ 6923
~~order granting a custody order that allocates parenting~~ 6924
~~responsibilities to the parent visitation rights~~ with the child 6925
and the child's legal custodian ~~or legal guardian~~ consents to 6926
the visit. 6927

Sec. 3109.50. As used in sections 3109.501 to 3109.507 of 6928
the Revised Code: 6929

(A) "Parental rights" means ~~parental rights and parenting~~ 6930
responsibilities, parenting time, or any other similar right 6931
established by the laws of this state with respect to a child. 6932
"Parental rights" does not include the parental duty of support 6933
for a child. 6934

(B) "Rape" means a violation of section 2907.02 of the 6935
Revised Code or similar law of another state. 6936

(C) "Sexual battery" means a violation of section 2907.03 6937
of the Revised Code if the sexual activity involved is sexual 6938
conduct, or similar law of another state. 6939

Sec. 3109.51. As used in sections 3109.52 to 3109.80 of 6940
the Revised Code: 6941

(A) "Child" means a person under eighteen years of age. 6942

(B) ~~"Custodian" means an individual with legal custody of~~ 6943
~~a child.~~ 6944

~~(C)~~ "Guardian" means an individual granted authority by a
probate court pursuant to Chapter 2111. of the Revised Code to
~~exercise parental rights over a child~~ parenting responsibilities
to the extent provided in the court's order and subject to the
residual parental rights, privileges, and responsibilities of
the child's parents.

~~(D)~~ (C) "Legal custody" and "residual parental rights,
privileges, and responsibilities" have the same meanings as in
section 2151.011 of the Revised Code.

Sec. 3109.52. The parent, guardian, or legal custodian of
a child may create a power of attorney that grants to a
grandparent of the child with whom the child is residing any of
the parent's, guardian's, or legal custodian's rights and
responsibilities regarding the care, physical custody, and
control of the child, including the ability to enroll the child
in school, to obtain from the school district educational and
behavioral information about the child, to consent to all
school-related matters regarding the child, and to consent to
medical, psychological, or dental treatment for the child. The
power of attorney may not grant authority to consent to the
marriage or adoption of the child. The power of attorney does
not affect the rights of the parent, guardian, or legal
custodian of the child in any future proceeding concerning
custody of the child or the allocation of ~~parental rights and~~
parenting responsibilities ~~for the care of the child~~ and does
not grant legal custody to the attorney in fact.

Sec. 3109.53. To create a power of attorney under section
3109.52 of the Revised Code, a parent, guardian, or legal
custodian shall use a form that is identical in form and content
to the following:

POWER OF ATTORNEY

I, the undersigned, residing at _____, in the county
of _____, state of _____, hereby appoint the child's
grandparent, _____, residing at _____, in the county
of _____, in the state of Ohio, with whom the child of
whom I am the parent, guardian, or legal custodian is residing,
my attorney in fact to exercise any and all of my rights and
responsibilities regarding the care, physical custody, and
control of the child, _____, born _____, having social
security number (optional) _____, except my authority to
consent to marriage or adoption of the child _____, and to
perform all acts necessary in the execution of the rights and
responsibilities hereby granted, as fully as I might do if
personally present. The rights I am transferring under this
power of attorney include the ability to enroll the child in
school, to obtain from the school district educational and
behavioral information about the child, to consent to all
school-related matters regarding the child, and to consent to
medical, psychological, or dental treatment for the child. This
transfer does not affect my rights in any future proceedings
concerning the custody of the child or the allocation of ~~the~~
~~parental rights and parenting~~ responsibilities ~~for the care of~~
~~the child~~ and does not give the attorney in fact legal custody
of the child. This transfer does not terminate my right to have
regular contact with the child.

I hereby certify that I am transferring the rights and
responsibilities designated in this power of attorney because
one of the following circumstances exists:

(1) I am: (a) Seriously ill, incarcerated, or about to be
incarcerated, (b) Temporarily unable to provide financial

support or parental guidance to the child, (c) Temporarily 7005
unable to provide adequate care and supervision of the child 7006
because of my physical or mental condition, (d) Homeless or 7007
without a residence because the current residence is destroyed 7008
or otherwise uninhabitable, or (e) In or about to enter a 7009
residential treatment program for substance abuse; 7010

(2) I am a parent or legal custodian of the child, the 7011
child's other parent is deceased, and I have authority to 7012
execute the power of attorney; or 7013

(3) I have a well-founded belief that the power of 7014
attorney is in the child's best interest. 7015

I hereby certify that I am not transferring my rights and 7016
responsibilities regarding the child for the purpose of 7017
enrolling the child in a school or school district so that the 7018
child may participate in the academic or interscholastic 7019
athletic programs provided by that school or district. 7020

If there is a court order naming me the ~~residential~~ 7021
designated parent and legal custodian of the child who is the 7022
subject of this power of attorney and I am the sole parent or 7023
legal custodian signing this document, I hereby certify that one 7024
of the following is the case: 7025

(1) I have made reasonable efforts to locate and provide 7026
notice of the creation of this power of attorney to the other 7027
parent and have been unable to locate that parent; 7028

(2) The other parent is prohibited from receiving a notice 7029
of relocation; or 7030

(3) The parental rights of the other parent have been 7031
terminated by order of a juvenile court. 7032

This POWER OF ATTORNEY is valid until the occurrence of 7033
whichever of the following events occurs first: (1) I revoke 7034
this POWER OF ATTORNEY in writing and give notice of the 7035
revocation to the grandparent designated as attorney in fact and 7036
the juvenile court with which this POWER OF ATTORNEY was filed; 7037
(2) the child ceases to reside with the grandparent designated 7038
as attorney in fact; (3) this POWER OF ATTORNEY is terminated by 7039
court order; (4) the death of the child who is the subject of 7040
the power of attorney; or (5) the death of the grandparent 7041
designated as the attorney in fact. 7042

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 7043
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 7044
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY 7045
THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING 7046
A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO 7047
\$1,000, OR BOTH. 7048

Witness my hand this _____ day of _____, _____ 7049

~~Parent/Custodian/Guardian's~~ Parent/Legal 7051

Custodian/Guardian's signature 7052

Parent's signature 7054

Grandparent designated as attorney in fact 7056

State of Ohio) 7057

) ss: 7058

County of _____) 7059

Subscribed, sworn to, and acknowledged before me this _____ day 7060
of _____, _____ 7061

Notary Public 7062
7063

Notices: 7064

1. A power of attorney may be executed only if one of the 7065
following circumstances exists: (1) The parent, guardian, or 7066
legal custodian of the child is: (a) Seriously ill, 7067
incarcerated, or about to be incarcerated; (b) Temporarily 7068
unable to provide financial support or parental guidance to the 7069
child; (c) Temporarily unable to provide adequate care and 7070
supervision of the child because of the parent's, guardian's, or 7071
legal custodian's physical or mental condition; (d) Homeless or 7072
without a residence because the current residence is destroyed 7073
or otherwise uninhabitable; or (e) In or about to enter a 7074
residential treatment program for substance abuse; (2) One of 7075
the child's parents is deceased and the other parent, with 7076
authority to do so, seeks to execute a power of attorney; or (3) 7077
The parent, guardian, or legal custodian has a well-founded 7078
belief that the power of attorney is in the child's best 7079
interest. 7080

2. The signatures of the parent, guardian, or legal custodian of 7081
the child and the grandparent designated as the attorney in fact 7082
must be notarized by an Ohio notary public. 7083

3. A parent, guardian, or legal custodian who creates a power of 7084
attorney must notify the parent of the child who is not the 7085
~~residential-designated~~ parent and legal custodian of the child 7086
unless one of the following circumstances applies: (a) the 7087
parent is prohibited from receiving a notice of relocation in 7088

accordance with ~~section 3109.051~~ sections 3109.0470 to 3109.0479 7089
of the Revised Code of the creation of the power of attorney; 7090
(b) the parent's parental rights have been terminated by order 7091
of a juvenile court pursuant to Chapter 2151. of the Revised 7092
Code; (c) the parent cannot be located with reasonable efforts; 7093
(d) both parents are executing the power of attorney. The notice 7094
must be sent by certified mail not later than five days after 7095
the power of attorney is created and must state the name and 7096
address of the person designated as the attorney in fact. 7097

4. A parent, guardian, or legal custodian who creates a power of 7098
attorney must file it with the juvenile court of the county in 7099
which the attorney in fact resides, or any other court that has 7100
jurisdiction over the child under a previously filed motion or 7101
proceeding. The power of attorney must be filed not later than 7102
five days after the date it is created and be accompanied by a 7103
receipt showing that the notice of creation of the power of 7104
attorney was sent to the parent who is not the ~~residential~~ 7105
designated parent and legal custodian by certified mail. 7106

5. This power of attorney does not affect the rights of the 7107
child's parents, guardian, or legal custodian regarding any 7108
future proceedings concerning the custody of the child or the 7109
allocation of ~~the parental rights and parenting~~ responsibilities 7110
~~for the care of the child~~ and does not give the attorney in fact 7111
legal custody of the child. 7112

6. A person or entity that relies on this power of attorney, in 7113
good faith, has no obligation to make any further inquiry or 7114
investigation. 7115

7. This power of attorney terminates on the occurrence of 7116
whichever of the following occurs first: (1) the power of 7117
attorney is revoked in writing by the person who created it and 7118

that person gives written notice of the revocation to the 7119
grandparent who is the attorney in fact and the juvenile court 7120
with which the power of attorney was filed; (2) the child ceases 7121
to live with the grandparent who is the attorney in fact; (3) 7122
the power of attorney is terminated by court order; (4) the 7123
death of the child who is the subject of the power of attorney; 7124
or (5) the death of the grandparent designated as the attorney 7125
in fact. 7126

If this power of attorney terminates other than by the 7127
death of the attorney in fact, the grandparent who served as the 7128
attorney in fact shall notify, in writing, all of the following: 7129

(a) Any schools, health care providers, or health 7130
insurance coverage provider with which the child has been 7131
involved through the grandparent; 7132

(b) Any other person or entity that has an ongoing 7133
relationship with the child or grandparent such that the other 7134
person or entity would reasonably rely on the power of attorney 7135
unless notified of the termination; 7136

(c) The court in which the power of attorney was filed 7137
after its creation; 7138

(d) The parent who is not the ~~residential-designated~~ 7139
parent and legal custodian of the child who is required to be 7140
given notice of its creation. The grandparent shall make the 7141
notifications not later than one week after the date the power 7142
of attorney terminates. 7143

8. If this power of attorney is terminated by written 7144
revocation of the person who created it, or the revocation is 7145
regarding a second or subsequent power of attorney, a copy of 7146
the revocation must be filed with the court with which that 7147

power of attorney was filed. 7148

Additional information: 7149

To the grandparent designated as attorney in fact: 7150

1. If the child stops living with you, you are required to 7151
notify, in writing, any school, health care provider, or health 7152
care insurance provider to which you have given this power of 7153
attorney. You are also required to notify, in writing, any other 7154
person or entity that has an ongoing relationship with you or 7155
the child such that the person or entity would reasonably rely 7156
on the power of attorney unless notified. The notification must 7157
be made not later than one week after the child stops living 7158
with you. 7159

2. You must include with the power of attorney the following 7160
information: 7161

(a) The child's present address, the addresses of the 7162
places where the child has lived within the last five years, and 7163
the name and present address of each person with whom the child 7164
has lived during that period; 7165

(b) Whether you have participated as a party, a witness, 7166
or in any other capacity in any other litigation, in this state 7167
or any other state, that concerned the allocation, between the 7168
parents of the same child, of ~~parental rights and parenting~~ 7169
responsibilities ~~for the care of the child~~ and the designation 7170
of the ~~residential-designated~~ parent and legal custodian of the 7171
child or that otherwise concerned the custody of the same child; 7172

(c) Whether you have information of any parenting 7173
proceeding concerning the child pending in a court of this or 7174
any other state; 7175

(d) Whether you know of any person who has physical 7176
custody of the child or claims to be a parent of the child who 7177
is designated the ~~residential~~ designated parent and legal 7178
custodian of the child or to have parenting time ~~rights~~ with 7179
respect to the child or to be a person other than a parent or 7180
legal custodian of the child who has custody or visitation 7181
~~rights~~ with respect to the child; 7182

(e) Whether you previously have been convicted of or 7183
pleaded guilty to any criminal offense involving any act that 7184
resulted in a child's being an abused child or a neglected child 7185
or previously have been determined, in a case in which a child 7186
has been adjudicated an abused child or a neglected child, to be 7187
the perpetrator of the abusive or neglectful act that was the 7188
basis of the adjudication. 7189

3. If you receive written notice of revocation of the power of 7190
attorney or the parent, legal custodian, or guardian removes the 7191
child from your home and if you believe that the revocation or 7192
removal is not in the best interest of the child, you may, 7193
within fourteen days, file a complaint in the juvenile court to 7194
seek custody. You may retain physical custody of the child until 7195
the fourteen-day period elapses or, if you file a complaint, 7196
until the court orders otherwise. 7197

To school officials: 7198

1. Except as provided in section 3313.649 of the Revised Code, 7199
this power of attorney, properly completed and notarized, 7200
authorizes the child in question to attend school in the 7201
district in which the grandparent designated as attorney in fact 7202
resides and that grandparent is authorized to provide consent in 7203
all school-related matters and to obtain from the school 7204
district educational and behavioral information about the child. 7205

This power of attorney does not preclude the parent, guardian, 7206
or legal custodian of the child from having access to all school 7207
records pertinent to the child. 7208

2. The school district may require additional reasonable 7209
evidence that the grandparent lives in the school district. 7210

3. A school district or school official that reasonably and in 7211
good faith relies on this power of attorney has no obligation to 7212
make any further inquiry or investigation. 7213

To health care providers: 7214

1. A person or entity that acts in good faith reliance on a 7215
power of attorney to provide medical, psychological, or dental 7216
treatment, without actual knowledge of facts contrary to those 7217
stated in the power of attorney, is not subject to criminal 7218
liability or to civil liability to any person or entity, and is 7219
not subject to professional disciplinary action, solely for such 7220
reliance if the power of attorney is completed and the 7221
signatures of the parent, guardian, or legal custodian of the 7222
child and the grandparent designated as attorney in fact are 7223
notarized. 7224

2. The decision of a grandparent designated as attorney in fact, 7225
based on a power of attorney, shall be honored by a health care 7226
facility or practitioner, school district, or school official. 7227

Sec. 3109.55. (A) A person who creates a power of attorney 7228
under section 3109.52 of the Revised Code shall send notice of 7229
the creation to the parent or legal custodian of the child who 7230
is not the ~~residential-designated~~ parent and legal custodian of 7231
the child unless one of the following is the case: 7232

(1) The parent or legal custodian is prohibited from 7233
receiving a notice of relocation in accordance with section 7234

~~3109.051~~ 3109.0474 of the Revised Code. 7235

(2) The parent's parental rights have been terminated by 7236
order of a juvenile court pursuant to Chapter 2151. of the 7237
Revised Code. 7238

(3) The parent cannot be located with reasonable efforts. 7239

(4) The power of attorney is being created by both 7240
parents. 7241

(B) The notice shall be sent by certified mail not later 7242
than five days after the power of attorney is created. The 7243
notice shall state the name and address of the person designated 7244
as the attorney in fact. 7245

Sec. 3109.56. When a parent or legal custodian seeks to 7246
create a power of attorney pursuant to section 3109.52 of the 7247
Revised Code, all of the following apply: 7248

(A) The power of attorney shall be executed by both 7249
parents or legal custodians if any of the following apply: 7250

(1) The parents are married to each other and are living 7251
as husband and wife. 7252

(2) The child is the subject of a shared parenting order 7253
issued pursuant to section 3109.04 of the Revised Code, as it 7254
existed prior to the amendment of this section~~of the Revised~~ 7255
~~Code.~~ 7256

(3) The child is the subject of a custody order issued 7257
pursuant to section 3109.04 of the Revised Code, as it existed 7258
prior to the amendment of this section, or a decree allocating 7259
parenting responsibilities under a parenting plan issued 7260
pursuant to sections 3109.04 to 3109.0498 of the Revised Code 7261
unless one of the following is the case: 7262

(a) The parent or legal custodian who is not the 7263
~~residential-designated~~ parent and legal custodian is prohibited 7264
from receiving a notice of relocation in accordance with section 7265
~~3109.051~~ 3109.0474 of the Revised Code. 7266

(b) The parental rights of the parent or legal custodian 7267
who is not the ~~residential-designated~~ parent and legal custodian 7268
have been terminated by order of a juvenile court pursuant to 7269
Chapter 2151. of the Revised Code. 7270

(c) The parent or legal custodian who is not the 7271
~~residential-designated~~ parent and legal custodian cannot be 7272
located with reasonable efforts. 7273

(B) In all other cases, the power of attorney may be 7274
executed only by one of the following persons: 7275

(1) The parent or legal custodian who is the ~~residential-~~ 7276
~~designated~~ parent and legal custodian of the child, as 7277
determined by court order or as ~~provided in section 3109.042 of~~ 7278
~~the Revised Code~~ designated under a parenting plan; 7279

(2) The parent or legal custodian with whom the child is 7280
residing the majority of the school year in cases in which no 7281
court has issued an order designating a parent or legal 7282
custodian as the ~~residential-designated~~ parent and legal 7283
custodian of the child or section ~~3109.042~~ 3109.0425 of the 7284
Revised Code is not applicable. 7285

Sec. 3109.58. (A) As used in this section, "temporary 7286
custody," "permanent custody," and "planned permanent living 7287
arrangement" have the same meanings as in section 2151.011 of 7288
the Revised Code. 7289

(B) A power of attorney created pursuant to section 7290
3109.52 of the Revised Code may not be executed with respect to 7291

a child while any of the following proceedings are pending 7292
regarding the child: 7293

(1) A proceeding for the appointment of a guardian for, or 7294
the adoption of, the child; 7295

(2) A juvenile proceeding in which one of the following 7296
applies: 7297

(a) The temporary, permanent, or legal custody of the 7298
child or the placement of the child in a planned permanent 7299
living arrangement has been requested. 7300

(b) The child is the subject of an ex parte emergency 7301
custody order issued under division (D) of section 2151.31 of 7302
the Revised Code, and no hearing has yet been held regarding the 7303
child under division (A) of section 2151.314 of the Revised 7304
Code. 7305

(c) The child is the subject of a temporary custody order 7306
issued under section 2151.33 of the Revised Code. 7307

(3) A proceeding ~~for divorce, dissolution, legal~~ 7308
~~separation, annulment, or pertaining to the allocation of~~ 7309
~~parental rights and parenting responsibilities regarding the~~ 7310
~~child.~~ 7311

Sec. 3109.60. When a power of attorney created pursuant to 7312
section 3109.52 of the Revised Code terminates pursuant to 7313
division (A)(1), (2), (3), or (4) of section 3109.59 of the 7314
Revised Code, the grandparent designated as the attorney in fact 7315
shall notify, in writing, all of the following: 7316

(A) The school district in which the child attends school; 7317

(B) The child's health care providers; 7318

(C) The child's health insurance coverage provider; 7319

(D) The court in which the power of attorney was filed 7320
under section 3109.74 of the Revised Code; 7321

(E) The parent or legal custodian who is not the 7322
~~residential-designated~~ parent and legal custodian and who is 7323
required to be given notice under section 3109.55 of the Revised 7324
Code; 7325

(F) Any other person or entity that has an ongoing 7326
relationship with the child or grandparent such that the person 7327
or entity would reasonably rely on the power of attorney unless 7328
notified of the termination. 7329

The grandparent shall make the notifications not later 7330
than one week after the date the power of attorney terminates. 7331

Sec. 3109.65. (A) Except as provided in division (B) of 7332
this section, if a child is living with a grandparent who has 7333
made reasonable attempts to locate and contact both of the 7334
child's parents, or the child's guardian or legal custodian, but 7335
has been unable to do so, the grandparent may obtain authority 7336
to exercise care, physical custody, and control of the child 7337
including authority to enroll the child in school, to discuss 7338
with the school district the child's educational progress, to 7339
consent to all school-related matters regarding the child, and 7340
to consent to medical, psychological, or dental treatment for 7341
the child by executing a caretaker authorization affidavit in 7342
accordance with section 3109.67 of the Revised Code. 7343

(B) The grandparent may execute a caretaker authorization 7344
affidavit without attempting to locate the following parent: 7345

(1) If paternity has not been established with regard to 7346
the child, the child's father. 7347

(2) If the child is the subject of a custody order, the 7348
following parent: 7349

(a) A parent who is prohibited from receiving a notice of 7350
relocation in accordance with section ~~3109.051~~ 3109.0474 of the 7351
Revised Code; 7352

(b) A parent whose parental rights have been terminated by 7353
order of a juvenile court pursuant to Chapter 2151. of the 7354
Revised Code. 7355

Sec. 3109.66. The caretaker authorization affidavit that a 7356
grandparent described in section 3109.65 of the Revised Code may 7357
execute shall be identical in form and content to the following: 7358

CARETAKER AUTHORIZATION AFFIDAVIT 7359

Use of this affidavit is authorized by sections 3109.65 to 7360
3109.73 of the Ohio Revised Code. 7361

Completion of items 1-7 and the signing and notarization of this 7362
affidavit is sufficient to authorize the grandparent signing to 7363
exercise care, physical custody, and control of the child who is 7364
its subject, including authority to enroll the child in school, 7365
to discuss with the school district the child's educational 7366
progress, to consent to all school-related matters regarding the 7367
child, and to consent to medical, psychological, or dental 7368
treatment for the child. 7369

The child named below lives in my home, I am 18 years of age or 7370
older, and I am the child's grandparent. 7371

1. Name of child: 7372

2. Child's date and year of birth: 7373

3. Child's social security number (optional): 7374

4. My name: 7375

5. My home address: 7376

6. My date and year of birth: 7377

7. My Ohio driver's license number or identification card 7378
number: 7379

8. Despite having made reasonable attempts, I am either: 7380

 (a) Unable to locate or contact the child's parents, or 7381
the child's guardian or legal custodian; or 7382

 (b) I am unable to locate or contact one of the child's 7383
parents and I am not required to contact the other parent 7384
because paternity has not been established; or 7385

 (c) I am unable to locate or contact one of the child's 7386
parents and I am not required to contact the other parent 7387
because there is a custody order regarding the child and one of 7388
the following is the case: 7389

 (i) The parent has been prohibited from receiving notice 7390
of a relocation; or 7391

 (ii) The parental rights of the parent have been 7392
terminated. 7393

9. I hereby certify that this affidavit is not being executed 7394
for the purpose of enrolling the child in a school or school 7395
district so that the child may participate in the academic or 7396
interscholastic athletic programs provided by that school or 7397
district. 7398

WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS 7399
ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF 7400
THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 7401

2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF 7402
UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH. 7403

I declare that the foregoing is true and correct: 7404

Signed: _____ Date: _____ 7405

Grandparent 7406

State of Ohio) 7407

) ss: 7408

County of _____) 7409

Subscribed, sworn to, and acknowledged before me this _____ day 7410

of _____, _____ 7411

7412

Notary Public 7413

Notices: 7414

1. The grandparent's signature must be notarized by an Ohio 7415
notary public. 7416

2. The grandparent who executed this affidavit must file it with 7417
the juvenile court of the county in which the grandparent 7418
resides or any other court that has jurisdiction over the child 7419
under a previously filed motion or proceeding not later than 7420
five days after the date it is executed. 7421

3. This affidavit does not affect the rights of the child's 7422
parents, guardian, or legal custodian regarding the care, 7423
physical custody, and control of the child, and does not give 7424
the grandparent legal custody of the child. 7425

4. A person or entity that relies on this affidavit, in good 7426
faith, has no obligation to make any further inquiry or 7427

investigation. 7428

5. This affidavit terminates on the occurrence of whichever of 7429
the following occurs first: (1) the child ceases to live with 7430
the grandparent who signs this form; (2) the parent, guardian, 7431
or legal custodian of the child acts to negate, reverse, or 7432
otherwise disapprove an action or decision of the grandparent 7433
who signed this affidavit, and the grandparent either 7434
voluntarily returns the child to the physical custody of the 7435
parent, guardian, or legal custodian or fails to file a 7436
complaint to seek custody within fourteen days; (3) the 7437
affidavit is terminated by court order; (4) the death of the 7438
child who is the subject of the affidavit; or (5) the death of 7439
the grandparent who executed the affidavit. 7440

A parent, guardian, or legal custodian may negate, reverse, or 7441
disapprove a grandparent's action or decision only by delivering 7442
written notice of negation, reversal, or disapproval to the 7443
grandparent and the person acting on the grandparent's action or 7444
decision in reliance on this affidavit. 7445

If this affidavit terminates other than by the death of the 7446
grandparent, the grandparent who signed this affidavit shall 7447
notify, in writing, all of the following: 7448

(a) Any schools, health care providers, or health 7449
insurance coverage provider with which the child has been 7450
involved through the grandparent; 7451

(b) Any other person or entity that has an ongoing 7452
relationship with the child or grandparent such that the person 7453
or entity would reasonably rely on the affidavit unless notified 7454
of the termination; 7455

(c) The court in which the affidavit was filed after its 7456

creation. 7457

The grandparent shall make the notifications not later 7458
than one week after the date the affidavit terminates. 7459

6. The decision of a grandparent to consent to or to refuse 7460
medical treatment or school enrollment for a child is superseded 7461
by a contrary decision of a parent, legal custodian, or guardian 7462
of the child, unless the decision of the parent, guardian, or 7463
legal custodian would jeopardize the life, health, or safety of 7464
the child. 7465

Additional information: 7466

To caretakers: 7467

1. If the child stops living with you, you are required to 7468
notify, in writing, any school, health care provider, or health 7469
care insurance provider to which you have given this affidavit. 7470
You are also required to notify, in writing, any other person or 7471
entity that has an ongoing relationship with you or the child 7472
such that the person or entity would reasonably rely on the 7473
affidavit unless notified. The notifications must be made not 7474
later than one week after the child stops living with you. 7475

2. If you do not have the information requested in item 7 (Ohio 7476
driver's license or identification card), provide another form 7477
of identification such as your social security number or 7478
medicaid number. 7479

3. You must include with the caretaker authorization affidavit 7480
the following information: 7481

(a) The child's present address, the addresses of the 7482
places where the child has lived within the last five years, and 7483
the name and present address of each person with whom the child 7484

has lived during that period; 7485

(b) Whether you have participated as a party, a witness, 7486
or in any other capacity in any other litigation, in this state 7487
or any other state, that concerned the allocation, between the 7488
parents of the same child, of ~~parental rights and parenting~~ 7489
responsibilities ~~for the care of the child~~ and the designation 7490
of the ~~residential-designated~~ parent and legal custodian of the 7491
child or that otherwise concerned the custody of the same child; 7492

(c) Whether you have information of any parenting 7493
proceeding concerning the child pending in a court of this or 7494
any other state; 7495

(d) Whether you know of any person who has physical 7496
custody of the child or claims to be a parent or legal custodian 7497
of the child who is designated the ~~residential-designated~~ parent 7498
and legal custodian of the child or to have parenting time 7499
~~rights~~ with respect to the child or to be a person other than a 7500
parent or legal custodian of the child who has custody or 7501
visitation ~~rights~~ with respect to the child; 7502

(e) Whether you previously have been convicted of or 7503
pleaded guilty to any criminal offense involving any act that 7504
resulted in a child's being an abused child or a neglected child 7505
or previously have been determined, in a case in which a child 7506
has been adjudicated an abused child or a neglected child, to be 7507
the perpetrator of the abusive or neglectful act that was the 7508
basis of the adjudication. 7509

4. If the child's parent, guardian, or legal custodian acts to 7510
terminate the caretaker authorization affidavit by delivering a 7511
written notice of negation, reversal, or disapproval of an 7512
action or decision of yours or removes the child from your home 7513

and if you believe that the termination or removal is not in the 7514
best interest of the child, you may, within fourteen days, file 7515
a complaint in the juvenile court to seek custody. You may 7516
retain physical custody of the child until the fourteen-day 7517
period elapses or, if you file a complaint, until the court 7518
orders otherwise. 7519

To school officials: 7520

1. This affidavit, properly completed and notarized, authorizes 7521
the child in question to attend school in the district in which 7522
the grandparent who signed this affidavit resides and the 7523
grandparent is authorized to provide consent in all school- 7524
related matters and to discuss with the school district the 7525
child's educational progress. This affidavit does not preclude 7526
the parent, guardian, or legal custodian of the child from 7527
having access to all school records pertinent to the child. 7528

2. The school district may require additional reasonable 7529
evidence that the grandparent lives at the address provided in 7530
item 5 of the affidavit. 7531

3. A school district or school official that reasonably and in 7532
good faith relies on this affidavit has no obligation to make 7533
any further inquiry or investigation. 7534

4. The act of a parent, guardian, or legal custodian of the 7535
child to negate, reverse, or otherwise disapprove an action or 7536
decision of the grandparent who signed this affidavit 7537
constitutes termination of this affidavit. A parent, guardian, 7538
or legal custodian may negate, reverse, or disapprove a 7539
grandparent's action or decision only by delivering written 7540
notice of negation, reversal, or disapproval to the grandparent 7541
and the person acting on the grandparent's action or decision in 7542

reliance on this affidavit. 7543

To health care providers: 7544

1. A person or entity that acts in good faith reliance on a 7545
CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, 7546
psychological, or dental treatment, without actual knowledge of 7547
facts contrary to those stated in the affidavit, is not subject 7548
to criminal liability or to civil liability to any person or 7549
entity, and is not subject to professional disciplinary action, 7550
solely for such reliance if the applicable portions of the form 7551
are completed and the grandparent's signature is notarized. 7552

2. The decision of a grandparent, based on a CARETAKER 7553
AUTHORIZATION AFFIDAVIT, shall be honored by a health care 7554
facility or practitioner, school district, or school official 7555
unless the health care facility or practitioner or educational 7556
facility or official has actual knowledge that a parent, 7557
guardian, or legal custodian of a child has made a contravening 7558
decision to consent to or to refuse medical treatment for the 7559
child. 7560

3. The act of a parent, guardian, or legal custodian of the 7561
child to negate, reverse, or otherwise disapprove an action or 7562
decision of the grandparent who signed this affidavit 7563
constitutes termination of this affidavit. A parent, guardian, 7564
or legal custodian may negate, reverse, or disapprove a 7565
grandparent's action or decision only by delivering written 7566
notice of negation, reversal, or disapproval to the grandparent 7567
and the person acting on the grandparent's action or decision in 7568
reliance on this affidavit. 7569

Sec. 3109.68. (A) As used in this section, "temporary 7570
custody," "permanent custody," and "planned permanent living 7571

arrangement" have the same meanings as in section 2151.011 of 7572
the Revised Code. 7573

(B) A caretaker authorization affidavit may not be 7574
executed with respect to a child while any of the following 7575
proceedings are pending regarding the child: 7576

(1) A proceeding for the appointment of a guardian for, or 7577
the adoption of, the child; 7578

(2) A juvenile proceeding in which one of the following 7579
applies: 7580

(a) The temporary, permanent, or legal custody of the 7581
child or the placement of the child in a planned permanent 7582
living arrangement has been requested. 7583

(b) The child is the subject of an ex parte emergency 7584
custody order issued under division (D) of section 2151.31 of 7585
the Revised Code, and no hearing has yet been held regarding the 7586
child under division (A) of section 2151.314 of the Revised 7587
Code. 7588

(c) The child is the subject of a temporary custody order 7589
issued under section 2151.33 of the Revised Code. 7590

(3) A proceeding ~~for divorce, dissolution, legal~~ 7591
~~separation, annulment, or pertaining to the~~ allocation of 7592
~~parental rights and parenting responsibilities regarding the~~ 7593
~~child.~~ 7594

Sec. 3109.74. (A) A person who creates a power of attorney 7595
under section 3109.52 of the Revised Code or executes a 7596
caretaker authorization affidavit under section 3109.67 of the 7597
Revised Code shall file the power of attorney or affidavit with 7598
the juvenile court of the county in which the grandparent 7599

designated as attorney in fact or grandparent who executed the 7600
affidavit resides or any other court that has jurisdiction over 7601
the child under a previously filed motion or proceeding. The 7602
power of attorney or affidavit shall be filed not later than 7603
five days after the date it is created or executed and may be 7604
sent to the court by certified mail. 7605

(B) A power of attorney filed under this section shall be 7606
accompanied by a receipt showing that the notice of creation of 7607
the power of attorney was sent to the parent or legal custodian 7608
who is not the ~~residential-designated~~ parent and legal custodian 7609
by certified mail under section 3109.55 of the Revised Code. 7610

(C) (1) The grandparent designated as attorney in fact or 7611
the grandparent who executed the affidavit shall include with 7612
the power of attorney or the caretaker authorization affidavit 7613
the information described in section 3109.27 of the Revised 7614
Code. 7615

(2) If the grandparent provides information that the 7616
grandparent previously has been convicted of or pleaded guilty 7617
to any criminal offense involving any act that resulted in a 7618
child being an abused child or a neglected child or previously 7619
has been determined, in a case in which a child has been 7620
adjudicated an abused child or a neglected child, to be the 7621
perpetrator of the abusive or neglectful act that was the basis 7622
of the adjudication, the court may report that information to 7623
the public children services agency pursuant to section 2151.421 7624
of the Revised Code. Upon the receipt of that information, the 7625
public children services agency shall initiate an investigation 7626
pursuant to section 2151.421 of the Revised Code. 7627

(3) If the court has reason to believe that a power of 7628
attorney or caretaker authorization affidavit is not in the best 7629

interest of the child, the court may report that information to 7630
the public children services agency pursuant to section 2151.421 7631
of the Revised Code. Upon receipt of that information, the 7632
public children services agency shall initiate an investigation 7633
pursuant to section 2151.421 of the Revised Code. The public 7634
children services agency shall submit a report of its 7635
investigation to the court not later than thirty days after the 7636
court reports the information to the public children services 7637
agency or not later than forty-five days after the court reports 7638
the information to the public children services agency when 7639
information that is needed to determine the case disposition 7640
cannot be compiled within thirty days and the reasons are 7641
documented in the case record. 7642

(D) The court shall waive any filing fee imposed for the 7643
filing of the power of attorney or caretaker authorization 7644
affidavit. 7645

Sec. 3111.13. (A) The judgment or order of the court 7646
determining the existence or nonexistence of the parent and 7647
child relationship is determinative for all purposes. 7648

(B) If the judgment or order of the court is at variance 7649
with the child's birth record, the court may order that a new 7650
birth record be issued under section 3111.18 of the Revised 7651
Code. 7652

(C) Except as otherwise provided in this section, the 7653
judgment or order may contain, at the request of a party and if 7654
not prohibited under federal law, any other provision directed 7655
~~against the appropriate~~ towards a party to the proceeding, 7656
~~concerning~~ including the allocation of parenting 7657
responsibilities, the duty of support, the payment of all or any 7658
part of the reasonable expenses of the mother's pregnancy and 7659

confinement, the furnishing of bond or other security for the 7660
payment of the judgment, or any other matter in the best 7661
interest of the child. After entry of the judgment or order, ~~the~~ 7662
~~father may petition that he be designated the residential parent~~ 7663
~~and legal custodian of the child or for parenting time rights in~~ 7664
~~a proceeding separate from any action to establish paternity.~~ 7665
Additionally, if the mother is unmarried, ~~the father may file a~~ 7666
~~complaint requesting the granting of reasonable parenting time~~ 7667
~~rights, and the parents of the father, any relative of the~~ 7668
father, the parents of the mother, and any relative of the 7669
mother may file a complaint requesting the granting of 7670
reasonable companionship or visitation ~~rights,~~ with the child 7671
pursuant to section 3109.12 of the Revised Code. 7672

The judgment or order shall contain any provision required 7673
by section 3111.14 of the Revised Code. 7674

(D) Support judgments or orders ordinarily shall be for 7675
periodic payments that may vary in amount. In the best interest 7676
of the child, the purchase of an annuity may be ordered in lieu 7677
of periodic payments of support if the purchase agreement 7678
provides that any remaining principal will be transferred to the 7679
ownership and control of the child on the child's attainment of 7680
the age of majority. 7681

(E) In determining the amount to be paid by a parent for 7682
support of the child and the period during which the duty of 7683
support is owed, a court enforcing the obligation of support 7684
shall comply with Chapters 3119., 3121., 3123., and 3125. of the 7685
Revised Code. 7686

(F) (1) Any court that makes or modifies an order for child 7687
support under this section shall comply with Chapters 3119., 7688
3121., 3123., and 3125. of the Revised Code. If any person 7689

required to pay child support under an order made under this 7690
section on or after April 15, 1985, or modified on or after 7691
December 1, 1986, is found in contempt of court for failure to 7692
make support payments under the order, the court that makes the 7693
finding, in addition to any other penalty or remedy imposed, 7694
shall assess all court costs arising out of the contempt 7695
proceeding against the person and require the person to pay any 7696
reasonable attorney's fees of any adverse party, as determined 7697
by the court, that arose in relation to the act of contempt. 7698

(2) When a court determines whether to require a parent to 7699
pay an amount for that parent's failure to support a child prior 7700
to the date the court issues an order requiring that parent to 7701
pay an amount for the current support of that child, it shall 7702
consider all relevant factors, including, but not limited to, 7703
any monetary contribution either parent of the child made to the 7704
support of the child prior to the court issuing the order 7705
requiring the parent to pay an amount for the current support of 7706
the child. 7707

(3) (a) A court shall not require a parent to pay an amount 7708
for that parent's failure to support a child prior to the date 7709
the court issues an order requiring that parent to pay an amount 7710
for the current support of that child or to pay all or any part 7711
of the reasonable expenses of the mother's pregnancy and 7712
confinement, if both of the following apply: 7713

(i) At the time of the initial filing of an action to 7714
determine the existence of the parent and child relationship 7715
with respect to that parent, the child was over three years of 7716
age. 7717

(ii) Prior to the initial filing of an action to determine 7718
the existence of the parent and child relationship with respect 7719

to that parent, the alleged father had no knowledge and had no 7720
reason to have knowledge of his alleged paternity of the child. 7721

(b) For purposes of division (F)(4)(a)(ii) of this 7722
section, the mother of the child may establish that the alleged 7723
father had or should have had knowledge of the paternity of the 7724
child by showing, by a preponderance of the evidence, that she 7725
performed a reasonable and documented effort to contact and 7726
notify the alleged father of his paternity of the child. 7727

(c) A party is entitled to obtain modification of an 7728
existing order for arrearages under this division regardless of 7729
whether the judgment, court order, or administrative support 7730
order from which relief is sought was issued prior to, on, or 7731
after October 27, 2000. 7732

(G) As used in this section, "birth record" has the same 7733
meaning as in section 3705.01 of the Revised Code. 7734

(H) Unless the court has reason to believe that a person 7735
named in the order is a potential victim of domestic violence, 7736
any order issued pursuant to this section finding the existence 7737
of a parent and child relationship shall contain the full names, 7738
addresses, and social security numbers of the mother and father 7739
of the child and the full name and address of the child. 7740

Sec. 3111.26. After an acknowledgment of paternity becomes 7741
final and enforceable, the child is the child of the man who 7742
signed the acknowledgment of paternity, as though born to him in 7743
lawful wedlock. If the mother is unmarried, the man who signed 7744
the acknowledgment of paternity may file a complaint requesting 7745
the ~~granting of reasonable allocation of parenting time with the~~ 7746
~~child under section 3109.12 responsibilities under sections~~ 7747
3109.04 to 3109.0498 of the Revised Code and the parents of the 7748

man who signed the acknowledgment of paternity, any relative of 7749
the man who signed the acknowledgment of paternity, the parents 7750
of the mother, and any relative of the mother may file a 7751
complaint pursuant to that section requesting the granting of 7752
reasonable companionship or visitation ~~rights~~ with the child. 7753
Once the acknowledgment becomes final the man who signed the 7754
acknowledgment of paternity assumes the parental duty of 7755
support. 7756

Sec. 3111.381. (A) Except as provided in divisions (B), 7757
(C), (D), (E), and (F) of this section, no person may bring an 7758
action under sections 3111.01 to 3111.18 of the Revised Code 7759
unless the person has requested an administrative determination 7760
under section 3111.38 of the Revised Code of the existence or 7761
nonexistence of a parent and child relationship. 7762

(B) An action to determine the existence or nonexistence 7763
of a parent and child relationship may be brought by the child's 7764
mother in the appropriate division of the court of common pleas 7765
in the county in which the child resides, without requesting an 7766
administrative determination, if the child's mother brings the 7767
action in order to request an order to determine the allocation 7768
of ~~parental rights and parenting~~ responsibilities, the payment 7769
of all or any part of the reasonable expenses of the mother's 7770
pregnancy and confinement, or support of the child. The clerk of 7771
the court shall forward a copy of the complaint to the child 7772
support enforcement agency of the county in which the complaint 7773
is filed. 7774

(C) An action to determine the existence or nonexistence 7775
of a parent and child relationship may be brought by the 7776
putative father of the child in the appropriate division of the 7777
court of common pleas in the county in which the child resides, 7778

without requesting an administrative determination, if the 7779
putative father brings the action in order to request an order 7780
to determine the allocation of ~~parental rights and parenting~~ 7781
responsibilities. The clerk of the court shall forward a copy of 7782
the complaint to the child support enforcement agency of the 7783
county in which the complaint is filed. 7784

(D) An action to determine the existence or nonexistence 7785
of a parent and child relationship may be brought by the 7786
caretaker of the child in the appropriate division of the court 7787
of common pleas in the county in which the child resides, 7788
without requesting an administrative determination, if the 7789
caretaker brings the action in order to request support of the 7790
child. The clerk of the court shall forward a copy of the 7791
complaint to the child support enforcement agency of the county 7792
in which the complaint is filed. 7793

(E) If services are requested by the court, under 7794
divisions (B), (C), and (D) of this section, of the child 7795
support enforcement agency to determine the existence or 7796
nonexistence of a parent and child relationship, a Title IV-D 7797
application must be completed and delivered to the child support 7798
enforcement agency. 7799

(F) If the alleged father of a child is deceased and 7800
proceedings for the probate of the estate of the alleged father 7801
have been or can be commenced, the court with jurisdiction over 7802
the probate proceedings shall retain jurisdiction to determine 7803
the existence or nonexistence of a parent and child relationship 7804
between the alleged father and any child without an 7805
administrative determination being requested from a child 7806
support enforcement agency. 7807

If an action for divorce, dissolution of marriage, ~~or~~ 7808

legal separation, or annulment, or an action under section 7809
2151.231 or 2151.232 of the Revised Code requesting an order 7810
requiring the payment of child support and provision for the 7811
health care of a child, has been filed in a court of common 7812
pleas and a question as to the existence or nonexistence of a 7813
parent and child relationship arises, the court in which the 7814
original action was filed shall retain jurisdiction to determine 7815
the existence or nonexistence of the parent and child 7816
relationship without an administrative determination being 7817
requested from a child support enforcement agency. 7818

If a juvenile court or other court with jurisdiction under 7819
section 2101.022 or 2301.03 of the Revised Code issues a support 7820
order under section 2151.231 or 2151.232 of the Revised Code 7821
relying on a presumption under section 3111.03 of the Revised 7822
Code, the juvenile court or other court with jurisdiction that 7823
issued the support order shall retain jurisdiction if a question 7824
as to the existence of a parent and child relationship arises. 7825

Sec. 3113.31. (A) As used in this section: 7826

(1) "Domestic violence" means any of the following: 7827

(a) The occurrence of one or more of the following acts 7828
against a family or household member: 7829

(i) Attempting to cause or recklessly causing bodily 7830
injury; 7831

(ii) Placing another person by the threat of force in fear 7832
of imminent serious physical harm or committing a violation of 7833
section 2903.211 or 2911.211 of the Revised Code; 7834

(iii) Committing any act with respect to a child that 7835
would result in the child being an abused child, as defined in 7836
section 2151.031 of the Revised Code; 7837

(iv) Committing a sexually oriented offense. 7838

(b) The occurrence of one or more of the acts identified 7839
in divisions (A)(1)(a)(i) to (iv) of this section against a 7840
person with whom the respondent is or was in a dating 7841
relationship. 7842

(2) "Court" means the domestic relations division of the 7843
court of common pleas in counties that have a domestic relations 7844
division and the court of common pleas in counties that do not 7845
have a domestic relations division, or the juvenile division of 7846
the court of common pleas of the county in which the person to 7847
be protected by a protection order issued or a consent agreement 7848
approved under this section resides if the respondent is less 7849
than eighteen years of age. 7850

(3) "Family or household member" means any of the 7851
following: 7852

(a) Any of the following who is residing with or has 7853
resided with the respondent: 7854

(i) A spouse, a person living as a spouse, or a former 7855
spouse of the respondent; 7856

(ii) A parent, a foster parent, or a child of the 7857
respondent, or another person related by consanguinity or 7858
affinity to the respondent; 7859

(iii) A parent or a child of a spouse, person living as a 7860
spouse, or former spouse of the respondent, or another person 7861
related by consanguinity or affinity to a spouse, person living 7862
as a spouse, or former spouse of the respondent. 7863

(b) The natural parent of any child of whom the respondent 7864
is the other natural parent or is the putative other natural 7865

parent. 7866

(4) "Person living as a spouse" means a person who is 7867
living or has lived with the respondent in a common law marital 7868
relationship, who otherwise is cohabiting with the respondent, 7869
or who otherwise has cohabited with the respondent within five 7870
years prior to the date of the alleged occurrence of the act in 7871
question. 7872

(5) "Victim advocate" means a person who provides support 7873
and assistance for a person who files a petition under this 7874
section. 7875

(6) "Sexually oriented offense" has the same meaning as in 7876
section 2950.01 of the Revised Code. 7877

(7) "Companion animal" has the same meaning as in section 7878
959.131 of the Revised Code. 7879

(8) "Dating relationship" means a relationship between 7880
individuals who have, or have had, a relationship of a romantic 7881
or intimate nature. "Dating relationship" does not include a 7882
casual acquaintanceship or ordinary fraternization in a business 7883
or social context. 7884

(9) "Person with whom the respondent is or was in a dating 7885
relationship" means an individual who, at the time of the 7886
conduct in question, is in a dating relationship with the 7887
respondent who is an adult or who, within the twelve months 7888
preceding the conduct in question, has had a dating relationship 7889
with the respondent who is an adult. 7890

(B) The court has jurisdiction over all proceedings under 7891
this section. The petitioner's right to relief under this 7892
section is not affected by the petitioner's leaving the 7893
residence or household to avoid further domestic violence. 7894

(C) A person may seek relief under this section on the 7895
person's own behalf, or any parent or adult household member may 7896
seek relief under this section on behalf of any other family or 7897
household member, by filing a petition with the court. The 7898
petition shall contain or state: 7899

(1) An allegation that the respondent engaged in domestic 7900
violence against a family or household member of the respondent 7901
or against a person with whom the respondent is or was in a 7902
dating relationship, including a description of the nature and 7903
extent of the domestic violence; 7904

(2) The relationship of the respondent to the petitioner, 7905
and to the victim if other than the petitioner; 7906

(3) If the petition is for protection of a person with 7907
whom the respondent is or was in a dating relationship, the 7908
facts upon which the court may conclude that a dating 7909
relationship existed between the person to be protected and the 7910
respondent; 7911

(4) A request for relief under this section. 7912

(D) (1) If a person who files a petition pursuant to this 7913
section requests an ex parte order, the court shall hold an ex 7914
parte hearing on the same day that the petition is filed. The 7915
court, for good cause shown at the ex parte hearing, may enter 7916
any temporary orders, with or without bond, including, but not 7917
limited to, an order described in division (E) (1) (a), (b), or 7918
(c) of this section, that the court finds necessary to protect 7919
the family or household member or the person with whom the 7920
respondent is or was in a dating relationship from domestic 7921
violence. Immediate and present danger of domestic violence to 7922
the family or household member or to the person with whom the 7923

respondent is or was in a dating relationship constitutes good 7924
cause for purposes of this section. Immediate and present danger 7925
includes, but is not limited to, situations in which the 7926
respondent has threatened the family or household member or 7927
person with whom the respondent is or was in a dating 7928
relationship with bodily harm, in which the respondent has 7929
threatened the family or household member or person with whom 7930
the respondent is or was in a dating relationship with a 7931
sexually oriented offense, or in which the respondent previously 7932
has been convicted of, pleaded guilty to, or been adjudicated a 7933
delinquent child for an offense that constitutes domestic 7934
violence against the family or household member or person with 7935
whom the respondent is or was in a dating relationship. 7936

(2) (a) If the court, after an ex parte hearing, issues an 7937
order described in division (E) (1) (b) or (c) of this section, 7938
the court shall schedule a full hearing for a date that is 7939
within seven court days after the ex parte hearing. If any other 7940
type of protection order that is authorized under division (E) 7941
of this section is issued by the court after an ex parte 7942
hearing, the court shall schedule a full hearing for a date that 7943
is within ten court days after the ex parte hearing. The court 7944
shall give the respondent notice of, and an opportunity to be 7945
heard at, the full hearing. The court shall hold the full 7946
hearing on the date scheduled under this division unless the 7947
court grants a continuance of the hearing in accordance with 7948
this division. Under any of the following circumstances or for 7949
any of the following reasons, the court may grant a continuance 7950
of the full hearing to a reasonable time determined by the 7951
court: 7952

(i) Prior to the date scheduled for the full hearing under 7953
this division, the respondent has not been served with the 7954

petition filed pursuant to this section and notice of the full 7955
hearing. 7956

(ii) The parties consent to the continuance. 7957

(iii) The continuance is needed to allow a party to obtain 7958
counsel. 7959

(iv) The continuance is needed for other good cause. 7960

(b) An ex parte order issued under this section does not 7961
expire because of a failure to serve notice of the full hearing 7962
upon the respondent before the date set for the full hearing 7963
under division (D) (2) (a) of this section or because the court 7964
grants a continuance under that division. 7965

(3) If a person who files a petition pursuant to this 7966
section does not request an ex parte order, or if a person 7967
requests an ex parte order but the court does not issue an ex 7968
parte order after an ex parte hearing, the court shall proceed 7969
as in a normal civil action and grant a full hearing on the 7970
matter. 7971

(E) (1) After an ex parte or full hearing, the court may 7972
grant any protection order, with or without bond, or approve any 7973
consent agreement to bring about a cessation of domestic 7974
violence against the family or household members or persons with 7975
whom the respondent is or was in a dating relationship. The 7976
order or agreement may: 7977

(a) Direct the respondent to refrain from abusing or from 7978
committing sexually oriented offenses against the family or 7979
household members or persons with whom the respondent is or was 7980
in a dating relationship; 7981

(b) With respect to a petition involving family or 7982

household members, grant possession of the residence or 7983
household to the petitioner or other family or household member, 7984
to the exclusion of the respondent, by evicting the respondent, 7985
when the residence or household is owned or leased solely by the 7986
petitioner or other family or household member, or by ordering 7987
the respondent to vacate the premises, when the residence or 7988
household is jointly owned or leased by the respondent, and the 7989
petitioner or other family or household member; 7990

(c) With respect to a petition involving family or 7991
household members, when the respondent has a duty to support the 7992
petitioner or other family or household member living in the 7993
residence or household and the respondent is the sole owner or 7994
lessee of the residence or household, grant possession of the 7995
residence or household to the petitioner or other family or 7996
household member, to the exclusion of the respondent, by 7997
ordering the respondent to vacate the premises, or, in the case 7998
of a consent agreement, allow the respondent to provide 7999
suitable, alternative housing; 8000

(d) With respect to a petition involving family or 8001
household members, temporarily allocate ~~parental rights and~~ 8002
~~parenting responsibilities for the care of, or establish~~ 8003
~~temporary parenting time rights with regard to, minor children,~~ 8004
if no other court has determined, or is determining, the 8005
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 8006
~~the minor children or parenting time rights;~~ 8007

(e) With respect to a petition involving family or 8008
household members, require the respondent to maintain support, 8009
if the respondent customarily provides for or contributes to the 8010
support of the family or household member, or if the respondent 8011
has a duty to support the petitioner or family or household 8012

member; 8013

(f) Require the respondent, petitioner, victim of domestic 8014
violence, or any combination of those persons, to seek 8015
counseling; 8016

(g) Require the respondent to refrain from entering the 8017
residence, school, business, or place of employment of the 8018
petitioner or, with respect to a petition involving family or 8019
household members, a family or household member; 8020

(h) Grant other relief that the court considers equitable 8021
and fair, including, but not limited to, ordering the respondent 8022
to permit the use of a motor vehicle by the petitioner or, with 8023
respect to a petition involving family or household members, 8024
other family or household members and the apportionment of 8025
household and family personal property; 8026

(i) Require that the respondent not remove, damage, hide, 8027
harm, or dispose of any companion animal owned or possessed by 8028
the petitioner; 8029

(j) Authorize the petitioner to remove a companion animal 8030
owned by the petitioner from the possession of the respondent; 8031

(k) Require a wireless service transfer in accordance with 8032
sections 3113.45 to 3113.459 of the Revised Code. 8033

(2) If a protection order has been issued pursuant to this 8034
section in a prior action involving the respondent and the 8035
petitioner or, with respect to a petition involving family or 8036
household members, one or more of the family or household 8037
members or victims, the court may include in a protection order 8038
that it issues a prohibition against the respondent returning to 8039
the residence or household. If it includes a prohibition against 8040
the respondent returning to the residence or household in the 8041

order, it also shall include in the order provisions of the type 8042
described in division (E) (7) of this section. This division does 8043
not preclude the court from including in a protection order or 8044
consent agreement, in circumstances other than those described 8045
in this division, a requirement that the respondent be evicted 8046
from or vacate the residence or household or refrain from 8047
entering the residence, school, business, or place of employment 8048
of the petitioner or, with respect to a petition involving 8049
family or household members, a family or household member, and, 8050
if the court includes any requirement of that type in an order 8051
or agreement, the court also shall include in the order 8052
provisions of the type described in division (E) (7) of this 8053
section. 8054

(3) (a) Any protection order issued or consent agreement 8055
approved under this section shall be valid until a date certain, 8056
but not later than five years from the date of its issuance or 8057
approval, or not later than the date a respondent who is less 8058
than eighteen years of age attains nineteen years of age, unless 8059
modified or terminated as provided in division (E) (8) of this 8060
section. 8061

(b) With respect to an order involving family or household 8062
members, subject to the limitation on the duration of an order 8063
or agreement set forth in division (E) (3) (a) of this section, 8064
any order under division (E) (1) (d) of this section shall 8065
terminate on the date that a court in an action for divorce, 8066
dissolution of marriage, annulment, or legal separation brought 8067
by the petitioner or respondent issues an order allocating 8068
~~parental rights and parenting responsibilities for the care of~~ 8069
~~children~~ or on the date that a juvenile court in an action 8070
brought by the petitioner or respondent issues an order awarding 8071
legal custody of minor children. Subject to the limitation on 8072

the duration of an order or agreement set forth in division (E) 8073
(3) (a) of this section, any order under division (E) (1) (e) of 8074
this section shall terminate on the date that a court in an 8075
action for divorce, dissolution of marriage, or legal separation 8076
brought by the petitioner or respondent issues a support order 8077
or on the date that a juvenile court in an action brought by the 8078
petitioner or respondent issues a support order. 8079

(c) Any protection order issued or consent agreement 8080
approved pursuant to this section may be renewed in the same 8081
manner as the original order or agreement was issued or 8082
approved. 8083

(4) A court may not issue a protection order that requires 8084
a petitioner to do or to refrain from doing an act that the 8085
court may require a respondent to do or to refrain from doing 8086
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 8087
this section unless all of the following apply: 8088

(a) The respondent files a separate petition for a 8089
protection order in accordance with this section. 8090

(b) The petitioner is served notice of the respondent's 8091
petition at least forty-eight hours before the court holds a 8092
hearing with respect to the respondent's petition, or the 8093
petitioner waives the right to receive this notice. 8094

(c) If the petitioner has requested an ex parte order 8095
pursuant to division (D) of this section, the court does not 8096
delay any hearing required by that division beyond the time 8097
specified in that division in order to consolidate the hearing 8098
with a hearing on the petition filed by the respondent. 8099

(d) After a full hearing at which the respondent presents 8100
evidence in support of the request for a protection order and 8101

the petitioner is afforded an opportunity to defend against that 8102
evidence, the court determines that the petitioner has committed 8103
an act of domestic violence or has violated a temporary 8104
protection order issued pursuant to section 2919.26 of the 8105
Revised Code, that both the petitioner and the respondent acted 8106
primarily as aggressors, and that neither the petitioner nor the 8107
respondent acted primarily in self-defense. 8108

(5) No protection order issued or consent agreement 8109
approved under this section shall in any manner affect title to 8110
any real property. 8111

(6) (a) With respect to an order involving family or 8112
household members, if a petitioner, or the child of a 8113
petitioner, who obtains a protection order or consent agreement 8114
pursuant to division (E) (1) of this section or a temporary 8115
protection order pursuant to section 2919.26 of the Revised Code 8116
and is ~~the subject of a parenting time order issued pursuant to~~ 8117
a parenting plan as described in section 3109.051-3109.044 of 8118
the Revised Code or issued pursuant to section 3109.12 of the 8119
Revised Code or division (E) (1) (d) of this section or a 8120
~~visitation or companionship or visitation order issued pursuant~~ 8121
~~to section 3109.051, 3109.054, 3109.11, or 3109.12 of the~~ 8122
~~Revised Code or division (E) (1) (d) of this section granting~~ 8123
~~parenting time rights to the respondent,~~ the court may require 8124
the public children services agency of the county in which the 8125
court is located to provide supervision of the respondent's 8126
exercise of parenting time under a parenting plan or visitation- 8127
~~or companionship or visitation rights~~ with respect to the child 8128
for a period not to exceed nine months, if the court makes the 8129
following findings of fact: 8130

(i) The child is in danger from the respondent; 8131

(ii) No other person or agency is available to provide the supervision. 8132
8133

(b) A court that requires an agency to provide supervision 8134
pursuant to division (E) (6) (a) of this section shall order the 8135
respondent to reimburse the agency for the cost of providing the 8136
supervision, if it determines that the respondent has sufficient 8137
income or resources to pay that cost. 8138

(7) (a) If a protection order issued or consent agreement 8139
approved under this section includes a requirement that the 8140
respondent be evicted from or vacate the residence or household 8141
or refrain from entering the residence, school, business, or 8142
place of employment of the petitioner or, with respect to a 8143
petition involving family or household members, a family or 8144
household member, the order or agreement shall state clearly 8145
that the order or agreement cannot be waived or nullified by an 8146
invitation to the respondent from the petitioner or other family 8147
or household member to enter the residence, school, business, or 8148
place of employment or by the respondent's entry into one of 8149
those places otherwise upon the consent of the petitioner or 8150
other family or household member. 8151

(b) Division (E) (7) (a) of this section does not limit any 8152
discretion of a court to determine that a respondent charged 8153
with a violation of section 2919.27 of the Revised Code, with a 8154
violation of a municipal ordinance substantially equivalent to 8155
that section, or with contempt of court, which charge is based 8156
on an alleged violation of a protection order issued or consent 8157
agreement approved under this section, did not commit the 8158
violation or was not in contempt of court. 8159

(8) (a) The court may modify or terminate as provided in 8160
division (E) (8) of this section a protection order or consent 8161

agreement that was issued after a full hearing under this 8162
section. The court that issued the protection order or approved 8163
the consent agreement shall hear a motion for modification or 8164
termination of the protection order or consent agreement 8165
pursuant to division (E) (8) of this section. 8166

(b) Either the petitioner or the respondent of the 8167
original protection order or consent agreement may bring a 8168
motion for modification or termination of a protection order or 8169
consent agreement that was issued or approved after a full 8170
hearing. The court shall require notice of the motion to be made 8171
as provided by the Rules of Civil Procedure. If the petitioner 8172
for the original protection order or consent agreement has 8173
requested that the petitioner's address be kept confidential, 8174
the court shall not disclose the address to the respondent of 8175
the original protection order or consent agreement or any other 8176
person, except as otherwise required by law. The moving party 8177
has the burden of proof to show, by a preponderance of the 8178
evidence, that modification or termination of the protection 8179
order or consent agreement is appropriate because either the 8180
protection order or consent agreement is no longer needed or 8181
because the terms of the original protection order or consent 8182
agreement are no longer appropriate. 8183

(c) In considering whether to modify or terminate a 8184
protection order or consent agreement issued or approved under 8185
this section, the court shall consider all relevant factors, 8186
including, but not limited to, the following: 8187

(i) Whether the petitioner consents to modification or 8188
termination of the protection order or consent agreement; 8189

(ii) Whether the petitioner fears the respondent; 8190

(iii) The current nature of the relationship between the petitioner and the respondent; 8191
8192

(iv) The circumstances of the petitioner and respondent, 8193
including the relative proximity of the petitioner's and 8194
respondent's workplaces and residences and whether the 8195
petitioner and respondent have minor children together; 8196

(v) Whether the respondent has complied with the terms and 8197
conditions of the original protection order or consent 8198
agreement; 8199

(vi) Whether the respondent has a continuing involvement 8200
with illegal drugs or alcohol; 8201

(vii) Whether the respondent has been convicted of, 8202
pleaded guilty to, or been adjudicated a delinquent child for an 8203
offense of violence since the issuance of the protection order 8204
or approval of the consent agreement; 8205

(viii) Whether any other protection orders, consent 8206
agreements, restraining orders, or no contact orders have been 8207
issued against the respondent pursuant to this section, section 8208
2919.26 of the Revised Code, any other provision of state law, 8209
or the law of any other state; 8210

(ix) Whether the respondent has participated in any 8211
domestic violence treatment, intervention program, or other 8212
counseling addressing domestic violence and whether the 8213
respondent has completed the treatment, program, or counseling; 8214

(x) The time that has elapsed since the protection order 8215
was issued or since the consent agreement was approved; 8216

(xi) The age and health of the respondent; 8217

(xii) When the last incident of abuse, threat of harm, or 8218

commission of a sexually oriented offense occurred or other 8219
relevant information concerning the safety and protection of the 8220
petitioner or other protected parties. 8221

(d) If a protection order or consent agreement is modified 8222
or terminated as provided in division (E) (8) of this section, 8223
the court shall issue copies of the modified or terminated order 8224
or agreement as provided in division (F) of this section. A 8225
petitioner may also provide notice of the modification or 8226
termination to the judicial and law enforcement officials in any 8227
county other than the county in which the order or agreement is 8228
modified or terminated as provided in division (N) of this 8229
section. 8230

(e) If the respondent moves for modification or 8231
termination of a protection order or consent agreement pursuant 8232
to this section and the court denies the motion, the court may 8233
assess costs against the respondent for the filing of the 8234
motion. 8235

(9) Any protection order issued or any consent agreement 8236
approved pursuant to this section shall include a provision that 8237
the court will automatically seal all of the records of the 8238
proceeding in which the order is issued or agreement approved on 8239
the date the respondent attains the age of nineteen years unless 8240
the petitioner provides the court with evidence that the 8241
respondent has not complied with all of the terms of the 8242
protection order or consent agreement. The protection order or 8243
consent agreement shall specify the date when the respondent 8244
attains the age of nineteen years. 8245

(F) (1) A copy of any protection order, or consent 8246
agreement, that is issued, approved, modified, or terminated 8247
under this section shall be issued by the court to the 8248

petitioner, to the respondent, and to all law enforcement 8249
agencies that have jurisdiction to enforce the order or 8250
agreement. The court shall direct that a copy of an order be 8251
delivered to the respondent on the same day that the order is 8252
entered. 8253

(2) Upon the issuance of a protection order or the 8254
approval of a consent agreement under this section, the court 8255
shall provide the parties to the order or agreement with the 8256
following notice orally or by form: 8257

"NOTICE 8258

As a result of this order or consent agreement, it may be 8259
unlawful for you to possess or purchase a firearm, including a 8260
rifle, pistol, or revolver, or ammunition pursuant to federal 8261
law under 18 U.S.C. 922(g)(8) for the duration of this order or 8262
consent agreement. If you have any questions whether this law 8263
makes it illegal for you to possess or purchase a firearm or 8264
ammunition, you should consult an attorney." 8265

(3) All law enforcement agencies shall establish and 8266
maintain an index for the protection orders and the approved 8267
consent agreements delivered to the agencies pursuant to 8268
division (F)(1) of this section. With respect to each order and 8269
consent agreement delivered, each agency shall note on the index 8270
the date and time that it received the order or consent 8271
agreement. 8272

(4) Regardless of whether the petitioner has registered 8273
the order or agreement in the county in which the officer's 8274
agency has jurisdiction pursuant to division (N) of this 8275
section, any officer of a law enforcement agency shall enforce a 8276
protection order issued or consent agreement approved by any 8277

court in this state in accordance with the provisions of the 8278
order or agreement, including removing the respondent from the 8279
premises, if appropriate. 8280

(G) (1) Any proceeding under this section shall be 8281
conducted in accordance with the Rules of Civil Procedure, 8282
except that an order under this section may be obtained with or 8283
without bond. An order issued under this section, other than an 8284
ex parte order, that grants a protection order or approves a 8285
consent agreement, that refuses to grant a protection order or 8286
approve a consent agreement that modifies or terminates a 8287
protection order or consent agreement, or that refuses to modify 8288
or terminate a protection order or consent agreement, is a 8289
final, appealable order. The remedies and procedures provided in 8290
this section are in addition to, and not in lieu of, any other 8291
available civil or criminal remedies. 8292

(2) If as provided in division (G) (1) of this section an 8293
order issued under this section, other than an ex parte order, 8294
refuses to grant a protection order, the court, on its own 8295
motion, shall order that the ex parte order issued under this 8296
section and all of the records pertaining to that ex parte order 8297
be sealed after either of the following occurs: 8298

(a) No party has exercised the right to appeal pursuant to 8299
Rule 4 of the Rules of Appellate Procedure. 8300

(b) All appellate rights have been exhausted. 8301

(H) The filing of proceedings under this section does not 8302
excuse a person from filing any report or giving any notice 8303
required by section 2151.421 of the Revised Code or by any other 8304
law. When a petition under this section alleges domestic 8305
violence against minor children, the court shall report the 8306

fact, or cause reports to be made, to a county, township, or 8307
municipal peace officer under section 2151.421 of the Revised 8308
Code. 8309

(I) Any law enforcement agency that investigates a 8310
domestic dispute shall provide information to the family or 8311
household members involved, or the persons in the dating 8312
relationship who are involved, whichever is applicable regarding 8313
the relief available under this section and, for family or 8314
household members, section 2919.26 of the Revised Code. 8315

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 8316
section and regardless of whether a protection order is issued 8317
or a consent agreement is approved by a court of another county 8318
or a court of another state, no court or unit of state or local 8319
government shall charge the petitioner any fee, cost, deposit, 8320
or money in connection with the filing of a petition pursuant to 8321
this section or in connection with the filing, issuance, 8322
registration, modification, enforcement, dismissal, withdrawal, 8323
or service of a protection order, consent agreement, or witness 8324
subpoena or for obtaining a certified copy of a protection order 8325
or consent agreement. 8326

(2) Regardless of whether a protection order is issued or 8327
a consent agreement is approved pursuant to this section, the 8328
court may assess costs against the respondent in connection with 8329
the filing, issuance, registration, modification, enforcement, 8330
dismissal, withdrawal, or service of a protection order, consent 8331
agreement, or witness subpoena or for obtaining a certified copy 8332
of a protection order or consent agreement. 8333

(K) (1) The court shall comply with Chapters 3119., 3121., 8334
3123., and 3125. of the Revised Code when it makes or modifies 8335
an order for child support under this section. 8336

(2) If any person required to pay child support under an 8337
order made under this section on or after April 15, 1985, or 8338
modified under this section on or after December 31, 1986, is 8339
found in contempt of court for failure to make support payments 8340
under the order, the court that makes the finding, in addition 8341
to any other penalty or remedy imposed, shall assess all court 8342
costs arising out of the contempt proceeding against the person 8343
and require the person to pay any reasonable attorney's fees of 8344
any adverse party, as determined by the court, that arose in 8345
relation to the act of contempt. 8346

(L) (1) A person who violates a protection order issued or 8347
a consent agreement approved under this section is subject to 8348
the following sanctions: 8349

(a) Criminal prosecution or a delinquent child proceeding 8350
for a violation of section 2919.27 of the Revised Code, if the 8351
violation of the protection order or consent agreement 8352
constitutes a violation of that section; 8353

(b) Punishment for contempt of court. 8354

(2) The punishment of a person for contempt of court for 8355
violation of a protection order issued or a consent agreement 8356
approved under this section does not bar criminal prosecution of 8357
the person or a delinquent child proceeding concerning the 8358
person for a violation of section 2919.27 of the Revised Code. 8359
However, a person punished for contempt of court is entitled to 8360
credit for the punishment imposed upon conviction of or 8361
adjudication as a delinquent child for a violation of that 8362
section, and a person convicted of or adjudicated a delinquent 8363
child for a violation of that section shall not subsequently be 8364
punished for contempt of court arising out of the same activity. 8365

(M) In all stages of a proceeding under this section, a 8366
petitioner may be accompanied by a victim advocate. 8367

(N) (1) A petitioner who obtains a protection order or 8368
consent agreement under this section or a temporary protection 8369
order under section 2919.26 of the Revised Code may provide 8370
notice of the issuance or approval of the order or agreement to 8371
the judicial and law enforcement officials in any county other 8372
than the county in which the order is issued or the agreement is 8373
approved by registering that order or agreement in the other 8374
county pursuant to division (N) (2) of this section and filing a 8375
copy of the registered order or registered agreement with a law 8376
enforcement agency in the other county in accordance with that 8377
division. A person who obtains a protection order issued by a 8378
court of another state may provide notice of the issuance of the 8379
order to the judicial and law enforcement officials in any 8380
county of this state by registering the order in that county 8381
pursuant to section 2919.272 of the Revised Code and filing a 8382
copy of the registered order with a law enforcement agency in 8383
that county. 8384

(2) A petitioner may register a temporary protection 8385
order, protection order, or consent agreement in a county other 8386
than the county in which the court that issued the order or 8387
approved the agreement is located in the following manner: 8388

(a) The petitioner shall obtain a certified copy of the 8389
order or agreement from the clerk of the court that issued the 8390
order or approved the agreement and present that certified copy 8391
to the clerk of the court of common pleas or the clerk of a 8392
municipal court or county court in the county in which the order 8393
or agreement is to be registered. 8394

(b) Upon accepting the certified copy of the order or 8395

agreement for registration, the clerk of the court of common 8396
pleas, municipal court, or county court shall place an 8397
endorsement of registration on the order or agreement and give 8398
the petitioner a copy of the order or agreement that bears that 8399
proof of registration. 8400

(3) The clerk of each court of common pleas, the clerk of 8401
each municipal court, and the clerk of each county court shall 8402
maintain a registry of certified copies of temporary protection 8403
orders, protection orders, or consent agreements that have been 8404
issued or approved by courts in other counties and that have 8405
been registered with the clerk. 8406

(O) Nothing in this section prohibits the domestic 8407
relations division of a court of common pleas in counties that 8408
have a domestic relations division or a court of common pleas in 8409
counties that do not have a domestic relations division from 8410
designating a minor child as a protected party on a protection 8411
order or consent agreement. 8412

Sec. 3119.01. (A) As used in the Revised Code, "child 8413
support enforcement agency" means a child support enforcement 8414
agency designated under former section 2301.35 of the Revised 8415
Code prior to October 1, 1997, or a private or government entity 8416
designated as a child support enforcement agency under section 8417
307.981 of the Revised Code. 8418

(B) As used in this chapter and Chapters 3121., 3123., and 8419
3125. of the Revised Code: 8420

(1) "Administrative child support order" means any order 8421
issued by a child support enforcement agency for the support of 8422
a child pursuant to section 3109.19 or 3111.81 of the Revised 8423
Code or former section 3111.211 of the Revised Code, section 8424

3111.21 of the Revised Code as that section existed prior to 8425
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 8426
Code as those sections existed prior to March 22, 2001. 8427

(2) "Child support order" means either a court child 8428
support order or an administrative child support order. 8429

(3) "Obligee" means the person who is entitled to receive 8430
the support payments under a support order. 8431

(4) "Obligor" means the person who is required to pay 8432
support under a support order. 8433

(5) "Support order" means either an administrative child 8434
support order or a court support order. 8435

(C) As used in this chapter: 8436

(1) "Caretaker" means any of the following, other than a 8437
parent: 8438

(a) A person with whom the child resides for at least 8439
thirty consecutive days, and who is the child's primary 8440
caregiver; 8441

(b) A person who is receiving public assistance on behalf 8442
of the child; 8443

(c) A person or agency with legal custody of the child, 8444
including a county department of job and family services or a 8445
public children services agency; 8446

(d) A guardian of the person or the estate of a child; 8447

(e) Any other appropriate court or agency with custody of 8448
the child. 8449

"Caretaker" excludes a "host family" as defined under 8450
section 2151.90 of the Revised Code. 8451

(2) "Cash medical support" means an amount ordered to be 8452
paid in a child support order toward the ordinary medical 8453
expenses incurred during a calendar year. 8454

(3) "Child care cost" means annual out-of-pocket costs for 8455
the care and supervision of a child or children subject to the 8456
order that is related to work or employment training. 8457

(4) "Court child support order" means any order issued by 8458
a court for the support of a child pursuant to Chapter 3115. of 8459
the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 8460
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3109.20, 8461
3111.13, 3113.04, 3113.07, 3113.31, 3119.11, 3119.65, or 3119.70 8462
of the Revised Code, or division (B) of former section 3113.21 8463
of the Revised Code. 8464

(5) "Court-ordered parenting time" means the amount of 8465
parenting time ~~a parent is to have~~, as defined in section 8466
3109.04 of the Revised Code, under a parenting time court order 8467
~~or the amount of time the children are to be in the physical-~~ 8468
~~custody of a parent under a shared allocating parenting~~ 8469
~~order responsibilities.~~ 8470

(6) "Court support order" means either a court child 8471
support order or an order for the support of a spouse or former 8472
spouse issued pursuant to Chapter 3115. of the Revised Code, 8473
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 8474
division (B) of former section 3113.21 of the Revised Code. 8475

(7) "CPI-U" means the consumer price index for all urban 8476
consumers, published by the United States department of labor, 8477
bureau of labor statistics. 8478

(8) "Extraordinary medical expenses" means any uninsured 8479
medical expenses incurred for a child during a calendar year 8480

that exceed the total cash medical support amount owed by the 8481
parents during that year. 8482

(9) "Federal poverty level" has the same meaning as in 8483
section 5121.30 of the Revised Code. 8484

(10) "Income" means either of the following: 8485

(a) For a parent who is employed to full capacity, the 8486
gross income of the parent; 8487

(b) For a parent who is unemployed or underemployed, the 8488
sum of the gross income of the parent and any potential income 8489
of the parent. 8490

(11) "Income share" means the percentage derived from a 8491
comparison of each parent's annual income after allowable 8492
deductions and credits as indicated on the worksheet to the 8493
total annual income of both parents. 8494

(12) "Insurer" means any person authorized under Title 8495
XXXIX of the Revised Code to engage in the business of insurance 8496
in this state, any health insuring corporation, and any legal 8497
entity that is self-insured and provides benefits to its 8498
employees or members. 8499

(13) "Gross income" means, except as excluded in division 8500
(C) (13) of this section, the total of all earned and unearned 8501
income from all sources during a calendar year, whether or not 8502
the income is taxable, and includes income from salaries, wages, 8503
overtime pay, and bonuses to the extent described in division 8504
(D) of section 3119.05 of the Revised Code; commissions; 8505
royalties; tips; rents; dividends; severance pay; pensions; 8506
interest; trust income; annuities; social security benefits, 8507
including retirement, disability, and survivor benefits that are 8508
not means-tested; workers' compensation benefits; unemployment 8509

insurance benefits; disability insurance benefits; benefits that 8510
are not means-tested and that are received by and in the 8511
possession of the veteran who is the beneficiary for any 8512
service-connected disability under a program or law administered 8513
by the United States department of veterans' affairs or 8514
veterans' administration; spousal support actually received; and 8515
all other sources of income. "Gross income" includes income of 8516
members of any branch of the United States armed services or 8517
national guard, including, amounts representing base pay, basic 8518
allowance for quarters, basic allowance for subsistence, 8519
supplemental subsistence allowance, cost of living adjustment, 8520
specialty pay, variable housing allowance, and pay for training 8521
or other types of required drills; self-generated income; and 8522
potential cash flow from any source. 8523

"Gross income" does not include any of the following: 8524

(a) Benefits received from means-tested government 8525
administered programs, including Ohio works first; prevention, 8526
retention, and contingency; means-tested veterans' benefits; 8527
supplemental security income; supplemental nutrition assistance 8528
program; disability financial assistance; or other assistance 8529
for which eligibility is determined on the basis of income or 8530
assets; 8531

(b) Benefits for any service-connected disability under a 8532
program or law administered by the United States department of 8533
veterans' affairs or veterans' administration that are not 8534
means-tested, that have not been distributed to the veteran who 8535
is the beneficiary of the benefits, and that are in the 8536
possession of the United States department of veterans' affairs 8537
or veterans' administration; 8538

(c) Child support amounts received for children who are 8539

not included in the current calculation; 8540

(d) Amounts paid for mandatory deductions from wages such 8541
as union dues but not taxes, social security, or retirement in 8542
lieu of social security; 8543

(e) Nonrecurring or unsustainable income or cash flow 8544
items; 8545

(f) Adoption assistance, kinship guardianship assistance, 8546
and foster care maintenance payments made pursuant to Title IV-E 8547
of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 8548
(1980), as amended; 8549

(g) State kinship guardianship assistance described in 8550
section 5153.163 of the Revised Code and payment from the 8551
kinship support program described in section 5101.881 of the 8552
Revised Code. 8553

(14) "Nonrecurring or unsustainable income or cash flow 8554
item" means an income or cash flow item the parent receives in 8555
any year or for any number of years not to exceed three years 8556
that the parent does not expect to continue to receive on a 8557
regular basis. "Nonrecurring or unsustainable income or cash 8558
flow item" does not include a lottery prize award that is not 8559
paid in a lump sum or any other item of income or cash flow that 8560
the parent receives or expects to receive for each year for a 8561
period of more than three years or that the parent receives and 8562
invests or otherwise uses to produce income or cash flow for a 8563
period of more than three years. 8564

(15) "Ordinary medical expenses" includes copayments and 8565
deductibles, and uninsured medical-related costs for the 8566
children of the order. 8567

(16) (a) "Ordinary and necessary expenses incurred in 8568

generating gross receipts" means actual cash items expended by 8569
the parent or the parent's business and includes depreciation 8570
expenses of business equipment as shown on the books of a 8571
business entity. 8572

(b) Except as specifically included in "ordinary and 8573
necessary expenses incurred in generating gross receipts" by 8574
division (C)(16)(a) of this section, "ordinary and necessary 8575
expenses incurred in generating gross receipts" does not include 8576
depreciation expenses and other noncash items that are allowed 8577
as deductions on any federal tax return of the parent or the 8578
parent's business. 8579

(17) "Personal earnings" means compensation paid or 8580
payable for personal services, however denominated, and includes 8581
wages, salary, commissions, bonuses, draws against commissions, 8582
profit sharing, vacation pay, or any other compensation. 8583

(18) "Potential income" means both of the following for a 8584
parent who the court pursuant to a court support order, or a 8585
child support enforcement agency pursuant to an administrative 8586
child support order, determines is voluntarily unemployed or 8587
voluntarily underemployed: 8588

(a) Imputed income that the court or agency determines the 8589
parent would have earned if fully employed as determined from 8590
the following criteria: 8591

- (i) The parent's prior employment experience; 8592
- (ii) The parent's education; 8593
- (iii) The parent's physical and mental disabilities, if 8594
any; 8595
- (iv) The availability of employment in the geographic area 8596

in which the parent resides; 8597

(v) The prevailing wage and salary levels in the 8598
geographic area in which the parent resides; 8599

(vi) The parent's special skills and training; 8600

(vii) Whether there is evidence that the parent has the 8601
ability to earn the imputed income; 8602

(viii) The age and special needs of the child for whom 8603
child support is being calculated under this section; 8604

(ix) The parent's increased earning capacity because of 8605
experience; 8606

(x) The parent's decreased earning capacity because of a 8607
felony conviction; 8608

(xi) Any other relevant factor. 8609

(b) Imputed income from any nonincome-producing assets of 8610
a parent, as determined from the local passbook savings rate or 8611
another appropriate rate as determined by the court or agency, 8612
not to exceed the rate of interest specified in division (A) of 8613
section 1343.03 of the Revised Code, if the income is 8614
significant. 8615

(19) "Schedule" means the basic child support schedule 8616
created pursuant to section 3119.021 of the Revised Code. 8617

(20) "Self-generated income" means gross receipts received 8618
by a parent from self-employment, proprietorship of a business, 8619
joint ownership of a partnership or closely held corporation, 8620
and rents minus ordinary and necessary expenses incurred by the 8621
parent in generating the gross receipts. "Self-generated income" 8622
includes expense reimbursements or in-kind payments received by 8623

a parent from self-employment, the operation of a business, or 8624
rents, including company cars, free housing, reimbursed meals, 8625
and other benefits, if the reimbursements are significant and 8626
reduce personal living expenses. 8627

(21) "Self-sufficiency reserve" means the minimal amount 8628
necessary for an obligor to adequately subsist upon, as 8629
determined under section 3119.021 of the Revised Code. 8630

(22) "Split parental rights and responsibilities" means, 8631
under a decree allocating parental rights and responsibilities 8632
that was issued pursuant to section 3109.04 of the Revised Code 8633
as that section existed prior to the effective date of this 8634
amendment, a situation in which there is more than one child who 8635
is the subject of an allocation of parental rights and 8636
responsibilities and each parent is the residential parent and 8637
legal custodian of at least one of those children. 8638

(23) "Split parenting responsibilities" means, under a 8639
parenting plan that is approved by the court and included in an 8640
order issued under section 3109.041 of the Revised Code, a 8641
situation in which there is more than one child who is the 8642
subject of an allocation of parenting responsibilities and one 8643
parent is the designated parent and legal custodian of at least 8644
one child and the other parent is the designated parent and 8645
legal custodian of at least one other child. 8646

(24) "Worksheet" means the applicable worksheet created in 8647
rules adopted under section 3119.022 of the Revised Code that is 8648
used to calculate a parent's child support obligation. 8649

Sec. 3119.06. (A) Except as otherwise provided in this 8650
section, in any action in which a court or a child support 8651
enforcement agency issues or modifies a child support order or 8652

in any other proceeding in which a court or agency determines 8653
the amount of child support to be paid pursuant to a child 8654
support order, the court or agency shall issue a minimum child 8655
support order requiring the obligor to pay a minimum of eighty 8656
dollars a month for all the children subject to that order. The 8657
court or agency, in its discretion and in appropriate 8658
circumstances, may issue a minimum child support order of less 8659
than eighty dollars a month or issue an order not requiring the 8660
obligor to pay any child support amount. The circumstances under 8661
which a court or agency may issue such an order include the 8662
~~nonresidential parent's~~ medically verified or documented 8663
physical or mental disability or institutionalization in a 8664
facility for persons with a mental illness or any other 8665
circumstances considered appropriate by the court or agency of 8666
the parent who is not the designated parent and legal custodian. 8667

If a court or agency issues a minimum child support 8668
obligation pursuant to this section and the obligor under the 8669
support order is the recipient of means-tested public 8670
assistance, as described in division (C)(13)(a) of section 8671
3119.01 of the Revised Code, any unpaid amounts of support due 8672
under the support order shall accrue as arrearages from month to 8673
month, and the obligor's current obligation to pay the support 8674
due under the support order is suspended during any period of 8675
time that the obligor is receiving means-tested public 8676
assistance and is complying with any seek work orders issued 8677
pursuant to section 3121.03 of the Revised Code. The court, 8678
obligee, and child support enforcement agency shall not enforce 8679
the obligation of the obligor to pay the amount of support due 8680
under the support order while the obligor is receiving means- 8681
tested public assistance and is complying with any seek work 8682
orders issued pursuant to section 3121.03 of the Revised Code. 8683

(B) As used in this section, "means-tested public 8684
assistance" includes cash assistance payments under the Ohio 8685
works first program established under Chapter 5107. of the 8686
Revised Code, financial assistance under the disability 8687
financial assistance program established under Chapter 5115. of 8688
the Revised Code, supplemental security income, or means-tested 8689
veterans' benefits. 8690

Sec. 3119.07. All of the following apply to parents under 8691
a decree allocating parental rights and responsibilities that 8692
was issued pursuant to section 3109.04 of the Revised Code as 8693
that section existed prior to the effective date of this 8694
amendment: 8695

(A) Except when the parents have split parental rights and 8696
responsibilities, a parent's child support obligation for a 8697
child for whom the parent is the residential parent and legal 8698
custodian shall be presumed to be spent on that child and shall 8699
not become part of a child support order, and a parent's child 8700
support obligation for a child for whom the parent is not the 8701
residential parent and legal custodian shall become part of a 8702
child support order. 8703

(B) If the parents have split parental rights and 8704
responsibilities, the child support obligations of the parents 8705
shall be offset, and the parent with the larger child support 8706
obligation shall pay the net amount pursuant to the child 8707
support order. 8708

(C) If neither parent of a child who is the subject of a 8709
child support order is the residential parent and legal 8710
custodian of the child and the child resides with a caretaker, 8711
each parent shall pay that parent's child support obligation 8712
pursuant to the child support order. 8713

Sec. 3119.071. All of the following apply to parents under 8714
an order allocating parenting responsibilities under a parenting 8715
plan issued on or after the effective date of this section: 8716

(A) Except when the parents have split parenting 8717
responsibilities, a parent's child support obligation for a 8718
child for whom the parent is the designated parent and legal 8719
custodian under a parenting plan that is approved by the court 8720
and included in an order issued under section 3109.041 of the 8721
Revised Code shall be presumed to be spent on that child and 8722
shall not become part of a child support order, and a parent's 8723
child support obligation for a child for whom the parent is not 8724
the designated parent and legal custodian shall become part of a 8725
child support order. 8726

(B) If the parents have split parenting responsibilities, 8727
the child support obligations of the parents shall be offset, 8728
and the court shall issue a child support order requiring the 8729
parent with the larger child support obligation to pay the net 8730
amount pursuant to the child support order. 8731

(C) If neither parent of a child who is the subject of a 8732
child support order is the designated parent and legal custodian 8733
of allocated parenting responsibilities for the child and the 8734
child resides with a caretaker who is the legal custodian of the 8735
child, the court shall issue a child support order requiring 8736
each parent to pay that parent's child support obligation 8737
pursuant to the child support order. 8738

Sec. 3119.072. In any action or proceeding in which a 8739
child support order is issued or modified, the court, with 8740
respect to court child support orders, and the child support 8741
enforcement agency, with respect to administrative child support 8742
orders, shall do all of the following: 8743

(A) Determine the person or persons responsible for the 8744
payment of child support; 8745

(B) Determine the person or agency entitled to receive the 8746
child support; 8747

(C) Include the applicable worksheet that has been 8748
completed in accordance with Chapter 3119. of the Revised Code 8749
with the issuance of the new or modified child support order. 8750

Sec. 3119.08. Whenever a court issues a child support 8751
order, it shall include in the order specific provisions for 8752
regular, holiday, vacation, parenting time, and special 8753
visitation in accordance with section ~~3109.051~~3109.044, 8754
3109.054, 3109.11, or 3109.12 of the Revised Code or in 8755
accordance with any other applicable section of the Revised 8756
Code. 8757

Sec. 3119.24. (A) (1) A court that issues a ~~shared-~~ 8758
~~parenting order in accordance with plan~~ as described under 8759
section ~~3109.04~~3109.044 of the Revised Code shall order an 8760
amount of child support to be paid under the child support order 8761
that is calculated in accordance with the schedule and with the 8762
worksheet, except that, if that amount would be unjust or 8763
inappropriate to the children or either parent and therefore not 8764
in the best interest of the child because of the extraordinary 8765
circumstances of the parents or because of any other factors or 8766
criteria set forth in section 3119.23 of the Revised Code, the 8767
court may deviate from that amount. 8768

(2) The court shall consider extraordinary circumstances 8769
and other factors or criteria if it deviates from the amount 8770
described in division (A) (1) of this section and shall enter in 8771
the journal the amount described in division (A) (1) of this 8772

section its determination that the amount would be unjust or 8773
inappropriate and therefore not in the best interest of the 8774
child, and findings of fact supporting its determination. 8775

(B) For the purposes of this section, "extraordinary 8776
circumstances of the parents" includes all of the following: 8777

(1) The ability of each parent to maintain adequate 8778
housing for the children; 8779

(2) Each parent's expenses, including child care expenses, 8780
school tuition, medical expenses, dental expenses, and any other 8781
expenses the court considers relevant; 8782

(3) Any other circumstances the court considers relevant. 8783

Sec. 3119.82. Except when including a revised amount of 8784
child support in a revised child support order as recommended 8785
pursuant to section 3119.63 of the Revised Code, whenever a 8786
court issues, or whenever a court modifies, reviews, or 8787
otherwise reconsiders a court child support order, or upon the 8788
request of any party, the court shall designate which parent may 8789
claim the children who are the subject of the court child 8790
support order as dependents for federal income tax purposes as 8791
set forth in section 151 of the "Internal Revenue Code of 1986," 8792
100 Stat. 2085, 26 U.S.C. 1, as amended. If the parties agree on 8793
which parent should claim the children as dependents, the court 8794
shall designate that parent as the parent who may claim the 8795
children. If the parties do not agree, the court, in its order, 8796
may permit the parent who is not the ~~residential~~-designated 8797
parent and legal custodian to claim the children as dependents 8798
for federal income tax purposes only if the court determines 8799
that this furthers the best interest of the children and, with 8800
respect to orders the court modifies, reviews, or reconsiders, 8801

the payments for child support are substantially current as 8802
ordered by the court for the year in which the children will be 8803
claimed as dependents. In cases in which the parties do not 8804
agree which parent may claim the children as dependents, the 8805
court shall consider, in making its determination, any net tax 8806
savings, the relative financial circumstances and needs of the 8807
parents and children, the amount of time the children spend with 8808
each parent, the eligibility of either or both parents for the 8809
federal earned income tax credit or other state or federal tax 8810
credit, and any other relevant factor concerning the best 8811
interest of the children. 8812

If the court determines that the parent who is not the 8813
~~residential-designated~~ parent and legal custodian may claim the 8814
children as dependents for federal income tax purposes, it shall 8815
order the ~~residential-designated~~ parent to take whatever action 8816
is necessary pursuant to section 152 of the "Internal Revenue 8817
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, to 8818
enable the parent who is not the ~~residential-designated~~ parent 8819
and legal custodian to claim the children as dependents for 8820
federal income tax purposes in accordance with the order of the 8821
court. Any willful failure of the ~~residential-designated~~ parent 8822
to comply with the order of the court is contempt of court. 8823

Sec. 3119.87. The parent who is the ~~residential-designated~~ 8824
parent and legal custodian of a child for whom a child support 8825
order is issued or the person who otherwise has custody of a 8826
child for whom a child support order is issued immediately shall 8827
notify, and the obligor under a child support order may notify, 8828
the child support enforcement agency administering the child 8829
support order of any reason for which the child support order 8830
should terminate. Nothing in this section shall preclude a 8831
person from notifying the agency that a reason for which a child 8832

support order should terminate is imminent. With respect to a 8833
court child support order, a willful failure to notify the 8834
agency as required by this division is contempt of court. 8835

Sec. 3119.964. (A) If a court grants relief from a 8836
judgment, order, or determination pursuant to section 3119.962 8837
of the Revised Code and if the person who is relieved or the 8838
male minor has been granted parenting time ~~rights pursuant to an~~ 8839
~~order issued under~~ under a parenting plan as described in 8840
section ~~3109.051~~ 3109.044 or 3109.12 of the Revised Code, or if 8841
any relative of the person or male minor has been granted 8842
companionship or visitation ~~rights~~ with the child pursuant to an 8843
order issued under section ~~3109.051~~ 3109.054 or 3109.12 of the 8844
Revised Code, the court shall determine whether the order 8845
granting those rights should be terminated, modified, or 8846
continued. 8847

(B) If a court grants relief from a child support order 8848
pursuant to section 3119.962 of the Revised Code and support 8849
arrearages are owed, the court may issue an order canceling that 8850
arrearage. Nothing in this section limits any actions that may 8851
be taken by the person or male minor granted relief under this 8852
section to recover support paid under the child support order 8853
from which relief was granted. 8854

Sec. 3125.03. The office of child support shall establish 8855
and administer a program of child support enforcement that meets 8856
the requirements of Title IV-D of the "Social Security Act," 88 8857
Stat. 2351 (1975), 42 U.S.C. 651, as amended, and any rules 8858
adopted under Title IV-D. The program of child support 8859
enforcement shall include the location of absent parents, 8860
establishment of parentage, establishment and modification of 8861
child support orders and medical support orders, enforcement of 8862

support orders, collection of support obligations, and any other 8863
actions appropriate to child support enforcement. 8864

Absent parents shall be located for any purpose under the 8865
child support enforcement program and for purposes of 8866
establishing and enforcing orders allocating ~~parental rights and~~ 8867
parenting responsibilities between parents concerning their 8868
~~children and establishing and enforcing parenting time orders~~ 8869
~~concerning the children.~~ 8870

Sec. 3125.06. The department of job and family services 8871
shall enter into an agreement with the secretary of health and 8872
human services, as authorized by the "Parental Kidnapping 8873
Prevention Act of 1980," 94 Stat. 3572, 42 U.S.C. 663, as 8874
amended, under which the services of the parent locator service 8875
established pursuant to Title IV-D of the "Social Security Act," 8876
88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, are made 8877
available to this state for the following purposes: 8878

(A) Determining the whereabouts of any absent parent or 8879
child in order to enforce a law with respect to the unlawful 8880
taking or restraint of a child; 8881

(B) Making or enforcing a determination as to the 8882
allocation, between the parents of a child, of the ~~parental~~ 8883
~~rights and parenting~~ responsibilities ~~for the care of a child~~ 8884
and the designation of the ~~residential-designated~~ parent and 8885
legal custodian of a child or otherwise as to the custody of a 8886
child; 8887

~~(C) Making or enforcing a parenting time order with~~ 8888
~~respect to a child.~~ 8889

Sec. 3125.43. The department of taxation shall not provide 8890
any information to the office of child support, except as 8891

provided in this section. For purposes of the establishment of 8892
paternity, the establishment, modification, or enforcement of 8893
support orders, and the location of absent parents pursuant to 8894
child support enforcement activities and activities to establish 8895
and enforce orders allocating parenting ~~rights and~~ 8896
~~responsibilities and parenting time orders,~~ the office is 8897
authorized to obtain information concerning the residential 8898
address and income of taxpayers if that information is contained 8899
in the state tax records maintained by the department. The 8900
department shall not provide any information to the office if 8901
the provision of the information is prohibited by state or 8902
federal law. 8903

Sec. 3127.01. (A) As used in the Revised Code, "uniform 8904
child custody jurisdiction and enforcement act" means the act 8905
addressing interstate recognition and enforcement of child 8906
custody orders adopted in 1997 by the national conference of 8907
commissioners on uniform state laws or any law substantially 8908
similar to the act adopted by another state. 8909

(B) As used in sections 3127.01 to 3127.53 of the Revised 8910
Code: 8911

(1) "Abandoned" means the parents of a child have failed 8912
to visit or maintain contact with the child for more than ninety 8913
days, regardless of whether the parents resume contact with the 8914
child after that ninety-day period. 8915

(2) "Child" means an individual who has not attained 8916
eighteen years of age. 8917

(3) "Child custody determination" means a judgment, 8918
decree, or other order of a court that provides for legal 8919
custody, physical custody, parenting time, or visitation with 8920

respect to a child. "Child custody determination" includes an 8921
order that allocates ~~parental rights and parenting~~ 8922
responsibilities. "Child custody determination" includes 8923
permanent, temporary, initial, and modification orders. "Child 8924
custody determination" does not include an order or the portion 8925
of an order relating to child support or other monetary 8926
obligations of an individual. 8927

(4) "Child custody proceeding" means a proceeding in which 8928
legal custody, physical custody, parenting time, or visitation 8929
with respect to a child is an issue. "Child custody proceeding" 8930
may include a proceeding for divorce, separation, neglect, 8931
abuse, dependency, guardianship, parentage, termination of 8932
parental rights, or protection from domestic violence. "Child 8933
custody proceeding" does not include a proceeding regarding 8934
juvenile delinquency, contractual emancipation, or enforcement 8935
pursuant to sections 3127.31 to 3127.47 of the Revised Code. 8936

(5) "Commencement" means the filing of the first pleading 8937
in a proceeding. 8938

(6) "Court" means an entity authorized under the law of a 8939
state to establish, enforce, or modify a child custody 8940
determination. 8941

(7) "Home state" means the state in which a child lived 8942
with a parent or a person acting as a parent for at least six 8943
consecutive months immediately preceding the commencement of a 8944
child custody proceeding and, if a child is less than six months 8945
old, the state in which the child lived from birth with any of 8946
them. A period of temporary absence of any of them is counted as 8947
part of the six-month or other period. 8948

(8) "Initial determination" means the first child custody 8949

determination concerning a particular child. 8950

(9) "Issuing court" means the court that makes a child 8951
custody determination for which enforcement is sought under 8952
sections 3127.01 to 3127.53 of the Revised Code. 8953

(10) "Issuing state" means the state in which a child 8954
custody determination is made. 8955

(11) "Modification" means a child custody determination 8956
that changes, replaces, supersedes, or is otherwise made after a 8957
determination concerning the same child, whether or not it is 8958
made by the court that made the previous determination. 8959

(12) "Person" means an individual; corporation; business 8960
trust; estate; trust; partnership; limited liability company; 8961
association; joint venture; government; governmental 8962
subdivision, agency, or instrumentality; public corporation; or 8963
any other legal or commercial entity. 8964

(13) "Person acting as a parent" means a person, other 8965
than the child's parent, who meets both of the following 8966
criteria: 8967

(a) The person has physical custody of the child or has 8968
had physical custody for a period of six consecutive months, 8969
including any temporary absence from the child, within one year 8970
immediately before the commencement of a child custody 8971
proceeding; and 8972

(b) The person has been awarded legal custody by a court 8973
or claims a right to legal custody under the law of this state. 8974

(14) "Physical custody" means the physical care and 8975
supervision of a child. 8976

(15) "State" means a state of the United States, the 8977

District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(16) "Tribe" means an Indian tribe or Alaskan Native village that is recognized by federal or state law.

(17) "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

Sec. 3127.11. (A) A court of this state may request the appropriate court of another state to do any of the following:

(1) Hold an evidentiary hearing;

(2) Order a person to produce or give evidence pursuant to procedures of that state;

(3) Order that an evaluation be made concerning the allocation of ~~parental rights and parenting~~ responsibilities ~~for the care of a child~~ involved in a pending proceeding with respect to the designation of a parent as the ~~residential-designated~~ parent and legal custodian of the child and with respect to the custody of the child in any other person;

(4) Forward to the court of this state a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request;

(5) Order a party to a child custody proceeding or any person having physical custody of the child to appear in the proceeding with or without the child.

(B) Upon request of a court of another state, a court of this state may hold a hearing or enter an order described in

division (A) of this section. 9006

(C) The court may assess travel and other necessary and 9007
reasonable expenses incurred under divisions (A) and (B) of this 9008
section against the parties according to the law of this state. 9009

(D) Upon appropriate request by a court or law enforcement 9010
official of another state, a court of this state shall forward a 9011
certified copy of the pleadings, orders, decrees, records of 9012
hearings, evaluations, and other pertinent records with respect 9013
to a child custody proceeding to the court or law enforcement 9014
official of the other state. 9015

Sec. 3127.23. (A) Each party in a child custody 9016
proceeding, in the party's first pleading or in an affidavit 9017
attached to that pleading, shall give information if reasonably 9018
ascertainable under oath as to the child's present address or 9019
whereabouts, the places where the child has lived within the 9020
last five years, and the name and present address of each person 9021
with whom the child has lived during that period. In this 9022
pleading or affidavit, each party also shall include all of the 9023
following information: 9024

(1) Whether the party has participated as a party, a 9025
witness, or in any other capacity in any other proceeding 9026
concerning the allocation, between the parents of the same 9027
child, of ~~parental rights and parenting~~ responsibilities ~~for the~~ 9028
~~care of the child~~ including any designation of parenting time 9029
rights and the designation of the ~~residential-designated~~ parent 9030
and legal custodian of the child or that otherwise concerned the 9031
custody of or visitation with the same child and, if so, the 9032
court, case number and the date of the child custody 9033
determination, if any; 9034

(2) Whether the party knows of any proceedings that could 9035
affect the current proceeding, including proceedings for 9036
enforcement of child custody determinations, proceedings 9037
relating to domestic violence or protection orders, proceedings 9038
to adjudicate the child as an abused, neglected, or dependent 9039
child, proceedings seeking termination of parental rights, and 9040
adoptions, and, if so, the court, the case number, and the 9041
nature of the proceeding; 9042

(3) Whether the party knows of any person who is not a 9043
party to the proceeding and has physical custody of the child or 9044
claims to be a parent of the child who is designated the 9045
~~residential-designated~~ parent and legal custodian of the child 9046
or to have parenting time ~~rights~~ with respect to the child or to 9047
be a person other than a parent of the child who has custody or 9048
visitation ~~rights~~ with respect to the child and, if so, the 9049
names and addresses of those persons. 9050

(B) If the declaration under division (A)(1), (2), or (3) 9051
of this section is in the affirmative, the declarant shall give 9052
additional information as required by the court. The court may 9053
examine the parties under oath as to details of the information 9054
furnished and as to other matters pertinent to the court's 9055
jurisdiction and the disposition of the case. 9056

(C) Each party has a continuing duty to inform the court 9057
of any child custody proceeding concerning the child in this or 9058
any other state that could affect the current proceeding. 9059

(D) If a party alleges in an affidavit or a pleading under 9060
oath that the health, safety, or liberty of a party or child 9061
would be jeopardized by the disclosure of identifying 9062
information, the information shall be sealed and may not be 9063
disclosed to the other party or the public unless the court 9064

orders the disclosure to be made after a hearing in which the 9065
court takes into consideration the health, safety, and liberty 9066
of the party or child and determines that the disclosure is in 9067
the interests of justice. 9068

(E) A public children services agency, acting pursuant to 9069
a complaint or an action on a complaint filed under section 9070
2151.27 of the Revised Code, is not subject to the requirements 9071
of this section. 9072

(F) As used in this section, "abused child" has the same 9073
meaning as in section 2151.031 of the Revised Code, "neglected 9074
child" has the same meaning as in section 2151.03 of the Revised 9075
Code, and "dependent child" has the same meaning as in section 9076
2151.04 of the Revised Code. 9077

Sec. 3127.35. (A) Subject to sections 2101.022 and 2301.03 9078
of the Revised Code, the clerk of a juvenile court or other 9079
court with appropriate jurisdiction may register a child custody 9080
determination issued by a court of another state, with or 9081
without a simultaneous request for enforcement, on receipt of 9082
all of the following: 9083

(1) A letter or other document requesting that the child 9084
custody determination be registered; 9085

(2) Two copies, including one certified copy, of the 9086
determination sought to be registered, and a statement under 9087
penalty of perjury that, to the best of the knowledge and belief 9088
of the person seeking registration, the order has not been 9089
modified; 9090

(3) Except as otherwise provided in section 3127.23 of the 9091
Revised Code, the name and address of the person seeking 9092
registration and any parent who is ~~designated the residential~~ 9093

designated parent and legal custodian of the child or to have 9094
parenting time with respect to the child or any person acting as 9095
a parent who has been awarded custody or visitation in the child 9096
custody determination sought to be registered; 9097

(4) An advance deposit or fee established by the court. 9098

(B) On receipt of the documents and information required 9099
by division (A) of this section, the registering court shall do 9100
both of the following: 9101

(1) Cause the child custody determination to be filed as a 9102
foreign judgment together with one copy of any accompanying 9103
documents and information, regardless of their form; 9104

(2) Serve notice of the registration request on the 9105
persons named pursuant to division (A) (3) of this section, and 9106
provide them with an opportunity to contest the registration in 9107
accordance with this section. 9108

(C) The notice required by division (B) (2) of this section 9109
shall state all of the following: 9110

(1) That the registered child custody determination is 9111
enforceable as of the date of the registration in the same 9112
manner as a child custody determination issued by a court of 9113
this state; 9114

(2) That a hearing to contest the validity of the 9115
registered determination must be requested within thirty days 9116
after service of notice; 9117

(3) That failure to contest the registration shall result 9118
in confirmation of the child custody determination and preclude 9119
further contest of that determination with respect to any matter 9120
that could have been asserted. 9121

(D) A person seeking to contest the validity of a 9122
registered order shall request a hearing within thirty days 9123
after service of the notice. At that hearing, the court shall 9124
confirm the registered order unless the person contesting 9125
registration establishes one of the following circumstances: 9126

(1) The issuing court did not have jurisdiction under 9127
sections 3127.15 to 3127.24 of the Revised Code or a similar 9128
statute of another state. 9129

(2) The child custody determination sought to be 9130
registered has been vacated, stayed, or modified by a court 9131
having jurisdiction to do so under sections 3127.15 to 3127.24 9132
of the Revised Code or a similar statute of another state. 9133

(3) The person contesting registration was entitled to 9134
notice of the child custody proceeding for which registration is 9135
sought, but notice was not given in accordance with the 9136
standards of section 3127.07 of the Revised Code or a similar 9137
statute of another state. 9138

(E) If a timely request for a hearing to contest the 9139
validity of the registration is not made, the registration is 9140
confirmed as a matter of law and the person requesting 9141
registration and all persons served in accordance with division 9142
(B) (2) of this section must be notified of the confirmation. 9143

(F) Confirmation of a registered child custody 9144
determination, whether by operation of law or after notice and 9145
hearing, precludes further contest of the determination with 9146
respect to any matter that could have been asserted at the time 9147
of registration. 9148

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 9149
the Revised Code: 9150

(A) "Alternative public provider" means either of the 9151
following providers that agrees to enroll a child in the 9152
provider's special education program to implement the child's 9153
individualized education program and to which the eligible 9154
applicant owes fees for the services provided to the child: 9155

(1) A school district that is not the school district in 9156
which the child is entitled to attend school or the child's 9157
school district of residence, if different; 9158

(2) A public entity other than a school district. 9159

(B) "Child with a disability" and "individualized 9160
education program" have the same meanings as in section 3323.01 9161
of the Revised Code. 9162

(C) "Eligible applicant" means any of the following: 9163

(1) Either of the natural or adoptive parents of a 9164
qualified special education child, except as otherwise specified 9165
in this division. When the marriage of the natural or adoptive 9166
parents of the student has been terminated by a divorce, 9167
dissolution of marriage, or annulment, or when the natural or 9168
adoptive parents of the student are living separate and apart 9169
under a legal separation decree, and a court has issued an order 9170
allocating ~~the parental rights and parenting responsibilities~~ 9171
~~with respect to the child~~, "eligible applicant" means the 9172
~~residential designated parent as designated by the court and~~ 9173
~~legal custodian~~. If the court ~~issues~~ issued a shared parenting 9174
decree prior to the effective date of this amendment or approves 9175
a shared parenting plan under section 3109.041 of the Revised 9176
Code, "eligible applicant" means either parent. "Eligible 9177
applicant" does not mean a parent whose custodial rights have 9178
been terminated. 9179

(2) The legal custodian of a qualified special education 9180
child, when a court has granted temporary, legal, or permanent 9181
custody of the child to an individual other than either of the 9182
natural or adoptive parents of the child or to a government 9183
agency; 9184

(3) The guardian of a qualified special education child, 9185
when a court has appointed a guardian for the child; 9186

(4) The grandparent of a qualified special education 9187
child, when the grandparent is the child's attorney in fact 9188
under a power of attorney executed under sections 3109.51 to 9189
3109.62 of the Revised Code or when the grandparent has executed 9190
a caretaker authorization affidavit under sections 3109.65 to 9191
3109.73 of the Revised Code; 9192

(5) The surrogate parent appointed for a qualified special 9193
education child pursuant to division (B) of section 3323.05 and 9194
section 3323.051 of the Revised Code; 9195

(6) A qualified special education child, if the child does 9196
not have a legal custodian or guardian and the child is at least 9197
eighteen years of age. 9198

(D) "Entitled to attend school" means entitled to attend 9199
school in a school district under sections 3313.64 and 3313.65 9200
of the Revised Code. 9201

(E) "Formula ADM" has the same meaning as in section 9202
3317.02 of the Revised Code. 9203

(F) "Qualified special education child" is a child for 9204
whom all of the following conditions apply: 9205

(1) The child is at least five years of age and less than 9206
twenty-two years of age. 9207

(2) The school district in which the child is entitled to 9208
attend school, or the child's school district of residence if 9209
different, has identified the child as a child with a 9210
disability. 9211

(3) The school district in which the child is entitled to 9212
attend school, or the child's school district of residence if 9213
different, has developed an individualized education program 9214
under Chapter 3323. of the Revised Code for the child. 9215

(4) The child either: 9216

(a) Was enrolled in the schools of the school district in 9217
which the child is entitled to attend school in any grade from 9218
kindergarten through twelve in the school year prior to the 9219
school year in which a scholarship is first sought for the 9220
child; 9221

(b) Is eligible to enter school in any grade kindergarten 9222
through twelve in the school district in which the child is 9223
entitled to attend school in the school year in which a 9224
scholarship is first sought for the child. 9225

(5) The department of education and workforce has not 9226
approved a scholarship for the child under the educational 9227
choice scholarship pilot program, under sections 3310.01 to 9228
3310.17 of the Revised Code, the autism scholarship program, 9229
under section 3310.41 of the Revised Code, or the pilot project 9230
scholarship program, under sections 3313.974 to 3313.979 of the 9231
Revised Code for the same school year in which a scholarship 9232
under the Jon Peterson special needs scholarship program is 9233
sought. 9234

(6) The child and the child's parents are in compliance 9235
with the state compulsory attendance law under Chapter 3321. of 9236

the Revised Code. 9237

(G) "Registered private provider" means a nonpublic school 9238
or other nonpublic entity that has been registered by the 9239
superintendent of public instruction under section 3310.58 of 9240
the Revised Code prior to ~~the effective date of this amendment~~ 9241
October 3, 2023, or the department of education and workforce on 9242
or after that date. 9243

(H) "Scholarship" means a scholarship awarded under the 9244
Jon Peterson special needs scholarship program pursuant to 9245
sections 3310.51 to 3310.64 of the Revised Code. 9246

(I) "School district of residence" has the same meaning as 9247
in section 3323.01 of the Revised Code. A community school 9248
established under Chapter 3314. of the Revised Code is not a 9249
"school district of residence" for purposes of sections 3310.51 9250
to 3310.64 of the Revised Code. 9251

(J) "School year" has the same meaning as in section 9252
3313.62 of the Revised Code. 9253

(K) "Special education program" means a school or facility 9254
that provides special education and related services to children 9255
with disabilities. 9256

Sec. 3313.205. Subject to section 3321.141 of the Revised 9257
Code, the board of education of each school district shall adopt 9258
a written policy with respect to the notification of a student's 9259
parents, parent who is the ~~residential-designated~~ parent and 9260
legal custodian, guardian, or legal custodian or any other 9261
person responsible for the student within a reasonable time 9262
after the determination that the student is absent from school. 9263
The student's parents, parent who is the ~~residential-designated~~ 9264
parent and legal custodian, guardian, or legal custodian or any 9265

other person responsible for the student shall provide the 9266
school that the student attends a current address and a 9267
telephone number at which the student's parents, parent who is 9268
the ~~residential-designated~~ parent and legal custodian, guardian, 9269
or legal custodian or any other person that is responsible for 9270
the student can receive notice that the student is absent from 9271
school. 9272

Sec. 3313.64. (A) As used in this section and in section 9273
3313.65 of the Revised Code: 9274

(1) (a) Except as provided in division (A) (1) (b) of this 9275
section, "parent" means either parent, unless the parents are 9276
separated or divorced or their marriage has been dissolved or 9277
annulled, in which case "parent" means the parent or legal 9278
custodian who is the ~~residential-designated~~ parent and legal 9279
custodian of the child. When a child is in the legal custody of 9280
a government agency or a person other than the child's natural 9281
or adoptive parent, "parent" means the parent with residual 9282
parental rights, privileges, and responsibilities. When a child 9283
is in the permanent custody of a government agency or a person 9284
other than the child's natural or adoptive parent, "parent" 9285
means the parent who was divested of parental rights and 9286
responsibilities for the care of the child and the right to have 9287
the child live with the parent and be the legal custodian of the 9288
child and all residual parental rights, privileges, and 9289
responsibilities. 9290

(b) When a child is the subject of a power of attorney 9291
executed under sections 3109.51 to 3109.62 of the Revised Code, 9292
"parent" means the grandparent designated as attorney in fact 9293
under the power of attorney. When a child is the subject of a 9294
caretaker authorization affidavit executed under sections 9295

3109.64 to 3109.73 of the Revised Code, "parent" means the 9296
grandparent that executed the affidavit. 9297

(2) "Legal custody," "permanent custody," and "residual 9298
parental rights, privileges, and responsibilities" have the same 9299
meanings as in section 2151.011 of the Revised Code. 9300

(3) "School district" or "district" means a city, local, 9301
or exempted village school district and excludes any school 9302
operated in an institution maintained by the department of youth 9303
services. 9304

(4) Except as used in division (C)(2) of this section, 9305
"home" means a home, institution, foster home, group home, or 9306
other residential facility in this state that receives and cares 9307
for children, to which any of the following applies: 9308

(a) The home is licensed, certified, or approved for such 9309
purpose by the state or is maintained by the department of youth 9310
services. 9311

(b) The home is operated by a person who is licensed, 9312
certified, or approved by the state to operate the home for such 9313
purpose. 9314

(c) The home accepted the child through a placement by a 9315
person licensed, certified, or approved to place a child in such 9316
a home by the state. 9317

(d) The home is a children's home created under section 9318
5153.21 or 5153.36 of the Revised Code. 9319

(5) "Agency" means all of the following: 9320

(a) A public children services agency; 9321

(b) An organization that holds a certificate issued by the 9322

department of children and youth in accordance with the 9323
requirements of section 5103.03 of the Revised Code and assumes 9324
temporary or permanent custody of children through commitment, 9325
agreement, or surrender, and places children in family homes for 9326
the purpose of adoption; 9327

(c) Comparable agencies of other states or countries that 9328
have complied with applicable requirements of section 2151.39 of 9329
the Revised Code or as applicable, sections 5103.20 to 5103.22 9330
or 5103.23 to 5103.237 of the Revised Code. 9331

(6) A child is placed for adoption if either of the 9332
following occurs: 9333

(a) An agency to which the child has been permanently 9334
committed or surrendered enters into an agreement with a person 9335
pursuant to section 5103.16 of the Revised Code for the care and 9336
adoption of the child. 9337

(b) The child's natural parent places the child pursuant 9338
to section 5103.16 of the Revised Code with a person who will 9339
care for and adopt the child. 9340

(7) "Preschool child with a disability" has the same 9341
meaning as in section 3323.01 of the Revised Code. 9342

(8) "Child," unless otherwise indicated, includes 9343
preschool children with disabilities. 9344

(9) "Active duty" means active duty pursuant to an 9345
executive order of the president of the United States, an act of 9346
the congress of the United States, or section 5919.29 or 5923.21 9347
of the Revised Code. 9348

(B) Except as otherwise provided in section 3321.01 of the 9349
Revised Code for admittance to kindergarten and first grade, a 9350

child who is at least five but under twenty-two years of age and 9351
any preschool child with a disability shall be admitted to 9352
school as provided in this division. 9353

(1) A child shall be admitted to the schools of the school 9354
district in which the child's parent resides. 9355

(2) Except as provided in division (B) of section 2151.362 9356
and section 3317.30 of the Revised Code, a child who does not 9357
reside in the district where the child's parent resides shall be 9358
admitted to the schools of the district in which the child 9359
resides if any of the following applies: 9360

(a) The child is in the legal or permanent custody of a 9361
government agency or a person other than the child's natural or 9362
adoptive parent. 9363

(b) The child resides in a home. 9364

(c) The child requires special education. 9365

(3) A child who is not entitled under division (B) (2) of 9366
this section to be admitted to the schools of the district where 9367
the child resides and who is residing with a resident of this 9368
state with whom the child has been placed for adoption shall be 9369
admitted to the schools of the district where the child resides 9370
unless either of the following applies: 9371

(a) The placement for adoption has been terminated. 9372

(b) Another school district is required to admit the child 9373
under division (B) (1) of this section. 9374

Division (B) of this section does not prohibit the board 9375
of education of a school district from placing a child with a 9376
disability who resides in the district in a special education 9377
program outside of the district or its schools in compliance 9378

with Chapter 3323. of the Revised Code. 9379

(C) A district shall not charge tuition for children 9380
admitted under division (B)(1) or (3) of this section. If the 9381
district admits a child under division (B)(2) of this section, 9382
tuition shall be paid to the district that admits the child as 9383
provided in divisions (C)(1) to (3) of this section, unless 9384
division (C)(4) of this section applies to the child: 9385

(1) If the child receives special education in accordance 9386
with Chapter 3323. of the Revised Code, the school district of 9387
residence, as defined in section 3323.01 of the Revised Code, 9388
shall pay tuition for the child in accordance with section 9389
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 9390
regardless of who has custody of the child or whether the child 9391
resides in a home. 9392

(2) For a child that does not receive special education in 9393
accordance with Chapter 3323. of the Revised Code, except as 9394
otherwise provided in division (C)(2)(d) of this section, if the 9395
child is in the permanent or legal custody of a government 9396
agency or person other than the child's parent, tuition shall be 9397
paid by: 9398

(a) The district in which the child's parent resided at 9399
the time the court removed the child from home or at the time 9400
the court vested legal or permanent custody of the child in the 9401
person or government agency, whichever occurred first; 9402

(b) If the parent's residence at the time the court 9403
removed the child from home or placed the child in the legal or 9404
permanent custody of the person or government agency is unknown, 9405
tuition shall be paid by the district in which the child resided 9406
at the time the child was removed from home or placed in legal 9407

or permanent custody, whichever occurred first; 9408

(c) If a school district cannot be established under 9409
division (C) (2) (a) or (b) of this section, tuition shall be paid 9410
by the district determined as required by section 2151.362 of 9411
the Revised Code by the court at the time it vests custody of 9412
the child in the person or government agency; 9413

(d) If at the time the court removed the child from home 9414
or vested legal or permanent custody of the child in the person 9415
or government agency, whichever occurred first, one parent was 9416
in a residential or correctional facility or a juvenile 9417
residential placement and the other parent, if living and not in 9418
such a facility or placement, was not known to reside in this 9419
state, tuition shall be paid by the district determined under 9420
division (D) of section 3313.65 of the Revised Code as the 9421
district required to pay any tuition while the parent was in 9422
such facility or placement; 9423

(e) If the department of education and workforce has 9424
determined, pursuant to division (A) (2) of section 2151.362 of 9425
the Revised Code, that a school district other than the one 9426
named in the court's initial order, or in a prior determination 9427
of the department, is responsible to bear the cost of educating 9428
the child, the district so determined shall be responsible for 9429
that cost. 9430

(3) If the child is not in the permanent or legal custody 9431
of a government agency or person other than the child's parent 9432
and the child resides in a home, tuition shall be paid by one of 9433
the following: 9434

(a) The school district in which the child's parent 9435
resides; 9436

(b) If the child's parent is not a resident of this state, 9437
the home in which the child resides. 9438

(4) Division (C)(4) of this section applies to any child 9439
who is admitted to a school district under division (B)(2) of 9440
this section, resides in a home that is not a foster home, a 9441
home maintained by the department of youth services, a detention 9442
facility established under section 2152.41 of the Revised Code, 9443
or a juvenile facility established under section 2151.65 of the 9444
Revised Code, and receives educational services at the home or 9445
facility in which the child resides pursuant to a contract 9446
between the home or facility and the school district providing 9447
those services. 9448

If a child to whom division (C)(4) of this section applies 9449
is a special education student, a district may choose whether to 9450
receive a tuition payment for that child under division (C)(4) 9451
of this section or to receive a payment for that child under 9452
section 3323.14 of the Revised Code. If a district chooses to 9453
receive a payment for that child under section 3323.14 of the 9454
Revised Code, it shall not receive a tuition payment for that 9455
child under division (C)(4) of this section. 9456

If a child to whom division (C)(4) of this section applies 9457
is not a special education student, a district shall receive a 9458
tuition payment for that child under division (C)(4) of this 9459
section. 9460

In the case of a child to which division (C)(4) of this 9461
section applies, the total educational cost to be paid for the 9462
child shall be determined by a formula approved by the 9463
department of education and workforce, which formula shall be 9464
designed to calculate a per diem cost for the educational 9465
services provided to the child for each day the child is served 9466

and shall reflect the total actual cost incurred in providing 9467
those services. The department shall certify the total 9468
educational cost to be paid for the child to both the school 9469
district providing the educational services and, if different, 9470
the school district that is responsible to pay tuition for the 9471
child. The department shall deduct the certified amount from the 9472
state basic aid funds payable under Chapter 3317. of the Revised 9473
Code to the district responsible to pay tuition and shall pay 9474
that amount to the district providing the educational services 9475
to the child. 9476

(D) Tuition required to be paid under divisions (C) (2) and 9477
(3) (a) of this section shall be computed in accordance with 9478
section 3317.08 of the Revised Code. Tuition required to be paid 9479
under division (C) (3) (b) of this section shall be computed in 9480
accordance with section 3317.081 of the Revised Code. If a home 9481
fails to pay the tuition required by division (C) (3) (b) of this 9482
section, the board of education providing the education may 9483
recover in a civil action the tuition and the expenses incurred 9484
in prosecuting the action, including court costs and reasonable 9485
attorney's fees. If the prosecuting attorney or city director of 9486
law represents the board in such action, costs and reasonable 9487
attorney's fees awarded by the court, based upon the prosecuting 9488
attorney's, director's, or one of their designee's time spent 9489
preparing and presenting the case, shall be deposited in the 9490
county or city general fund. 9491

(E) A board of education may enroll a child free of any 9492
tuition obligation for a period not to exceed sixty days, on the 9493
sworn statement of an adult resident of the district that the 9494
resident has initiated legal proceedings for custody of the 9495
child. 9496

(F) In the case of any individual entitled to attend 9497
school under this division, no tuition shall be charged by the 9498
school district of attendance and no other school district shall 9499
be required to pay tuition for the individual's attendance. 9500
Notwithstanding division (B), (C), or (E) of this section: 9501

(1) All persons at least eighteen but under twenty-two 9502
years of age who live apart from their parents, support 9503
themselves by their own labor, and have not successfully 9504
completed the high school curriculum or the individualized 9505
education program developed for the person by the high school 9506
pursuant to section 3323.08 of the Revised Code, are entitled to 9507
attend school in the district in which they reside. 9508

(2) Any child under eighteen years of age who is married 9509
is entitled to attend school in the child's district of 9510
residence. 9511

(3) A child is entitled to attend school in the district 9512
in which either of the child's parents is employed if the child 9513
has a medical condition that may require emergency medical 9514
attention. The parent of a child entitled to attend school under 9515
division (F)(3) of this section shall submit to the board of 9516
education of the district in which the parent is employed a 9517
statement from the child's physician, certified nurse-midwife, 9518
clinical nurse specialist, or certified nurse practitioner 9519
certifying that the child's medical condition may require 9520
emergency medical attention. The statement shall be supported by 9521
such other evidence as the board may require. 9522

(4) Any child residing with a person other than the 9523
child's parent is entitled, for a period not to exceed twelve 9524
months, to attend school in the district in which that person 9525
resides if the child's parent files an affidavit with the 9526

superintendent of the district in which the person with whom the 9527
child is living resides stating all of the following: 9528

(a) That the parent is serving outside of the state in the 9529
armed services of the United States; 9530

(b) That the parent intends to reside in the district upon 9531
returning to this state; 9532

(c) The name and address of the person with whom the child 9533
is living while the parent is outside the state. 9534

(5) Any child under the age of twenty-two years who, after 9535
the death of a parent, resides in a school district other than 9536
the district in which the child attended school at the time of 9537
the parent's death is entitled to continue to attend school in 9538
the district in which the child attended school at the time of 9539
the parent's death for the remainder of the school year, subject 9540
to approval of that district board. 9541

(6) A child under the age of twenty-two years who resides 9542
with a parent who is having a new house built in a school 9543
district outside the district where the parent is residing is 9544
entitled to attend school for a period of time in the district 9545
where the new house is being built. In order to be entitled to 9546
such attendance, the parent shall provide the district 9547
superintendent with the following: 9548

(a) A sworn statement explaining the situation, revealing 9549
the location of the house being built, and stating the parent's 9550
intention to reside there upon its completion; 9551

(b) A statement from the builder confirming that a new 9552
house is being built for the parent and that the house is at the 9553
location indicated in the parent's statement. 9554

(7) A child under the age of twenty-two years residing 9555
with a parent who has a contract to purchase a house in a school 9556
district outside the district where the parent is residing and 9557
who is waiting upon the date of closing of the mortgage loan for 9558
the purchase of such house is entitled to attend school for a 9559
period of time in the district where the house is being 9560
purchased. In order to be entitled to such attendance, the 9561
parent shall provide the district superintendent with the 9562
following: 9563

(a) A sworn statement explaining the situation, revealing 9564
the location of the house being purchased, and stating the 9565
parent's intent to reside there; 9566

(b) A statement from a real estate broker or bank officer 9567
confirming that the parent has a contract to purchase the house, 9568
that the parent is waiting upon the date of closing of the 9569
mortgage loan, and that the house is at the location indicated 9570
in the parent's statement. 9571

The district superintendent shall establish a period of 9572
time not to exceed ninety days during which the child entitled 9573
to attend school under division (F) (6) or (7) of this section 9574
may attend without tuition obligation. A student attending a 9575
school under division (F) (6) or (7) of this section shall be 9576
eligible to participate in interscholastic athletics under the 9577
auspices of that school, provided the board of education of the 9578
school district where the student's parent resides, by a formal 9579
action, releases the student to participate in interscholastic 9580
athletics at the school where the student is attending, and 9581
provided the student receives any authorization required by a 9582
public agency or private organization of which the school 9583
district is a member exercising authority over interscholastic 9584

sports. 9585

(8) A child whose parent is a full-time employee of a 9586
city, local, or exempted village school district, or of an 9587
educational service center, may be admitted to the schools of 9588
the district where the child's parent is employed, or in the 9589
case of a child whose parent is employed by an educational 9590
service center, in the district that serves the location where 9591
the parent's job is primarily located, provided the district 9592
board of education establishes such an admission policy by 9593
resolution adopted by a majority of its members. Any such policy 9594
shall take effect on the first day of the school year and the 9595
effective date of any amendment or repeal may not be prior to 9596
the first day of the subsequent school year. The policy shall be 9597
uniformly applied to all such children and shall provide for the 9598
admission of any such child upon request of the parent. No child 9599
may be admitted under this policy after the first day of classes 9600
of any school year. 9601

(9) A child who is with the child's parent under the care 9602
of a shelter for victims of domestic violence, as defined in 9603
section 3113.33 of the Revised Code, is entitled to attend 9604
school free in the district in which the child is with the 9605
child's parent, and no other school district shall be required 9606
to pay tuition for the child's attendance in that school 9607
district. 9608

The enrollment of a child in a school district under this 9609
division shall not be denied due to a delay in the school 9610
district's receipt of any records required under section 9611
3313.672 of the Revised Code or any other records required for 9612
enrollment. Any days of attendance and any credits earned by a 9613
child while enrolled in a school district under this division 9614

shall be transferred to and accepted by any school district in 9615
which the child subsequently enrolls. The department of 9616
education and workforce shall adopt rules to ensure compliance 9617
with this division. 9618

(10) Any child under the age of twenty-two years whose 9619
parent has moved out of the school district after the 9620
commencement of classes in the child's senior year of high 9621
school is entitled, subject to the approval of that district 9622
board, to attend school in the district in which the child 9623
attended school at the time of the parental move for the 9624
remainder of the school year and for one additional semester or 9625
equivalent term. A district board may also adopt a policy 9626
specifying extenuating circumstances under which a student may 9627
continue to attend school under division (F)(10) of this section 9628
for an additional period of time in order to successfully 9629
complete the high school curriculum for the individualized 9630
education program developed for the student by the high school 9631
pursuant to section 3323.08 of the Revised Code. 9632

(11) As used in this division, "grandparent" means a 9633
parent of a parent of a child. A child under the age of twenty- 9634
two years who is in the custody of the child's parent, resides 9635
with a grandparent, and does not require special education is 9636
entitled to attend the schools of the district in which the 9637
child's grandparent resides, provided that, prior to such 9638
attendance in any school year, the board of education of the 9639
school district in which the child's grandparent resides and the 9640
board of education of the school district in which the child's 9641
parent resides enter into a written agreement specifying that 9642
good cause exists for such attendance, describing the nature of 9643
this good cause, and consenting to such attendance. 9644

In lieu of a consent form signed by a parent, a board of
education may request the grandparent of a child attending
school in the district in which the grandparent resides pursuant
to division (F) (11) of this section to complete any consent form
required by the district, including any authorization required
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the
Revised Code. Upon request, the grandparent shall complete any
consent form required by the district. A school district shall
not incur any liability solely because of its receipt of a
consent form from a grandparent in lieu of a parent.

Division (F) (11) of this section does not create, and
shall not be construed as creating, a new cause of action or
substantive legal right against a school district, a member of a
board of education, or an employee of a school district. This
section does not affect, and shall not be construed as
affecting, any immunities from defenses to tort liability
created or recognized by Chapter 2744. of the Revised Code for a
school district, member, or employee.

(12) A child under the age of twenty-two years is entitled
to attend school in a school district other than the district in
which the child is entitled to attend school under division (B),
(C), or (E) of this section provided that, prior to such
attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child
is entitled to attend school under division (B), (C), or (E) of
this section contacts the superintendent of another district for
purposes of this division;

(b) The superintendents of both districts enter into a
written agreement that consents to the attendance and specifies
that the purpose of such attendance is to protect the student's

physical or mental well-being or to deal with other extenuating 9675
circumstances deemed appropriate by the superintendents. 9676

While an agreement is in effect under this division for a 9677
student who is not receiving special education under Chapter 9678
3323. of the Revised Code and notwithstanding Chapter 3327. of 9679
the Revised Code, the board of education of neither school 9680
district involved in the agreement is required to provide 9681
transportation for the student to and from the school where the 9682
student attends. 9683

A student attending a school of a district pursuant to 9684
this division shall be allowed to participate in all student 9685
activities, including interscholastic athletics, at the school 9686
where the student is attending on the same basis as any student 9687
who has always attended the schools of that district while of 9688
compulsory school age. 9689

(13) All school districts shall comply with the "McKinney- 9690
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 9691
the education of homeless children. Each city, local, and 9692
exempted village school district shall comply with the 9693
requirements of that act governing the provision of a free, 9694
appropriate public education, including public preschool, to 9695
each homeless child. 9696

When a child loses permanent housing and becomes a 9697
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 9698
child who is such a homeless person changes temporary living 9699
arrangements, the child's parent or guardian shall have the 9700
option of enrolling the child in either of the following: 9701

(a) The child's school of origin, as defined in 42 9702
U.S.C.A. 11432(g) (3) (C); 9703

(b) The school that is operated by the school district in 9704
which the shelter where the child currently resides is located 9705
and that serves the geographic area in which the shelter is 9706
located. 9707

(14) A child under the age of twenty-two years who resides 9708
with a person other than the child's parent is entitled to 9709
attend school in the school district in which that person 9710
resides if both of the following apply: 9711

(a) That person has been appointed, through a military 9712
power of attorney executed under section 574(a) of the "National 9713
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 9714
(1993), 10 U.S.C. 1044b, or through a comparable document 9715
necessary to complete a family care plan, as the parent's agent 9716
for the care, custody, and control of the child while the parent 9717
is on active duty as a member of the national guard or a reserve 9718
unit of the armed forces of the United States or because the 9719
parent is a member of the armed forces of the United States and 9720
is on a duty assignment away from the parent's residence. 9721

(b) The military power of attorney or comparable document 9722
includes at least the authority to enroll the child in school. 9723

The entitlement to attend school in the district in which 9724
the parent's agent under the military power of attorney or 9725
comparable document resides applies until the end of the school 9726
year in which the military power of attorney or comparable 9727
document expires. 9728

(G) A board of education, after approving admission, may 9729
waive tuition for students who will temporarily reside in the 9730
district and who are either of the following: 9731

(1) Residents or domiciliaries of a foreign nation who 9732

request admission as foreign exchange students; 9733

(2) Residents or domiciliaries of the United States but 9734
not of Ohio who request admission as participants in an exchange 9735
program operated by a student exchange organization. 9736

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 9737
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 9738
attend school or participate in a special education program in a 9739
school district other than in the district where the child is 9740
entitled to attend school under division (B) of this section. 9741

(I) (1) Notwithstanding anything to the contrary in this 9742
section or section 3313.65 of the Revised Code, a child under 9743
twenty-two years of age may attend school in the school district 9744
in which the child, at the end of the first full week of October 9745
of the school year, was entitled to attend school as otherwise 9746
provided under this section or section 3313.65 of the Revised 9747
Code, if at that time the child was enrolled in the schools of 9748
the district but since that time the child or the child's parent 9749
has relocated to a new address located outside of that school 9750
district and within the same county as the child's or parent's 9751
address immediately prior to the relocation. The child may 9752
continue to attend school in the district, and at the school to 9753
which the child was assigned at the end of the first full week 9754
of October of the current school year, for the balance of the 9755
school year. Division (I) (1) of this section applies only if 9756
both of the following conditions are satisfied: 9757

(a) The board of education of the school district in which 9758
the child was entitled to attend school at the end of the first 9759
full week in October and of the district to which the child or 9760
child's parent has relocated each has adopted a policy to enroll 9761
children described in division (I) (1) of this section. 9762

(b) The child's parent provides written notification of 9763
the relocation outside of the school district to the 9764
superintendent of each of the two school districts. 9765

(2) At the beginning of the school year following the 9766
school year in which the child or the child's parent relocated 9767
outside of the school district as described in division (I)(1) 9768
of this section, the child is not entitled to attend school in 9769
the school district under that division. 9770

(3) Any person or entity owing tuition to the school 9771
district on behalf of the child at the end of the first full 9772
week in October, as provided in division (C) of this section, 9773
shall continue to owe such tuition to the district for the 9774
child's attendance under division (I)(1) of this section for the 9775
lesser of the balance of the school year or the balance of the 9776
time that the child attends school in the district under 9777
division (I)(1) of this section. 9778

(4) A pupil who may attend school in the district under 9779
division (I)(1) of this section shall be entitled to 9780
transportation services pursuant to an agreement between the 9781
district and the district in which the child or child's parent 9782
has relocated unless the districts have not entered into such 9783
agreement, in which case the child shall be entitled to 9784
transportation services in the same manner as a pupil attending 9785
school in the district under interdistrict open enrollment as 9786
described in division (E) of section 3313.981 of the Revised 9787
Code, regardless of whether the district has adopted an open 9788
enrollment policy as described in division (B)(1)(b) or (c) of 9789
section 3313.98 of the Revised Code. 9790

(J) This division does not apply to a child receiving 9791
special education. 9792

A school district required to pay tuition pursuant to 9793
division (C) (2) or (3) of this section or section 3313.65 of the 9794
Revised Code shall have an amount deducted under division (C) of 9795
section 3317.023 of the Revised Code equal to its own tuition 9796
rate for the same period of attendance. A school district 9797
entitled to receive tuition pursuant to division (C) (2) or (3) 9798
of this section or section 3313.65 of the Revised Code shall 9799
have an amount credited under division (C) of section 3317.023 9800
of the Revised Code equal to its own tuition rate for the same 9801
period of attendance. If the tuition rate credited to the 9802
district of attendance exceeds the rate deducted from the 9803
district required to pay tuition, the department of education 9804
and workforce shall pay the district of attendance the 9805
difference from amounts deducted from all districts' payments 9806
under division (C) of section 3317.023 of the Revised Code but 9807
not credited to other school districts under such division and 9808
from appropriations made for such purpose. The treasurer of each 9809
school district shall, by the fifteenth day of January and July, 9810
furnish the director of education and workforce a report of the 9811
names of each child who attended the district's schools under 9812
divisions (C) (2) and (3) of this section or section 3313.65 of 9813
the Revised Code during the preceding six calendar months, the 9814
duration of the attendance of those children, the school 9815
district responsible for tuition on behalf of the child, and any 9816
other information that the director requires. 9817

Upon receipt of the report the director, pursuant to 9818
division (C) of section 3317.023 of the Revised Code, shall 9819
deduct each district's tuition obligations under divisions (C) 9820
(2) and (3) of this section or section 3313.65 of the Revised 9821
Code and pay to the district of attendance that amount plus any 9822
amount required to be paid by the state. 9823

(K) In the event of a disagreement, the director of 9824
education and workforce shall determine the school district in 9825
which the parent resides. 9826

(L) Nothing in this section requires or authorizes, or 9827
shall be construed to require or authorize, the admission to a 9828
public school in this state of a pupil who has been permanently 9829
excluded from public school attendance by the director pursuant 9830
to sections 3301.121 and 3313.662 of the Revised Code. 9831

(M) In accordance with division (B) (1) of this section, a 9832
child whose parent is a member of the national guard or a 9833
reserve unit of the armed forces of the United States and is 9834
called to active duty, or a child whose parent is a member of 9835
the armed forces of the United States and is ordered to a 9836
temporary duty assignment outside of the district, may continue 9837
to attend school in the district in which the child's parent 9838
lived before being called to active duty or ordered to a 9839
temporary duty assignment outside of the district, as long as 9840
the child's parent continues to be a resident of that district, 9841
and regardless of where the child lives as a result of the 9842
parent's active duty status or temporary duty assignment. 9843
However, the district is not responsible for providing 9844
transportation for the child if the child lives outside of the 9845
district as a result of the parent's active duty status or 9846
temporary duty assignment. 9847

Sec. 3313.666. (A) As used in this section: 9848

(1) "Electronic act" means an act committed through the 9849
use of a cellular telephone, computer, pager, personal 9850
communication device, or other electronic communication device. 9851

(2) "Harassment, intimidation, or bullying" means either 9852

of the following: 9853

(a) Any intentional written, verbal, electronic, or 9854
physical act that a student has exhibited toward another 9855
particular student more than once and the behavior both: 9856

(i) Causes mental or physical harm to the other student; 9857

(ii) Is sufficiently severe, persistent, or pervasive that 9858
it creates an intimidating, threatening, or abusive educational 9859
environment for the other student. 9860

(b) Violence within a dating relationship. 9861

(B) The board of education of each city, local, exempted 9862
village, and joint vocational school district shall establish a 9863
policy prohibiting harassment, intimidation, or bullying. The 9864
policy shall be developed in consultation with parents, school 9865
employees, school volunteers, students, and community members. 9866
The policy shall include the following: 9867

(1) A statement prohibiting harassment, intimidation, or 9868
bullying of any student on school property, on a school bus, or 9869
at school-sponsored events and expressly providing for the 9870
possibility of suspension of a student found responsible for 9871
harassment, intimidation, or bullying by an electronic act; 9872

(2) A definition of harassment, intimidation, or bullying 9873
that includes the definition in division (A) of this section; 9874

(3) A procedure for reporting prohibited incidents; 9875

(4) A requirement that school personnel report prohibited 9876
incidents of which they are aware to the school principal or 9877
other administrator designated by the principal; 9878

(5) A requirement that the ~~custodial~~ parents, designated 9879

parent and legal custodian, or guardian of any student involved 9880
in a prohibited incident be notified and, to the extent 9881
permitted by section 3319.321 of the Revised Code and the 9882
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 9883
571, 20 U.S.C. 1232g, as amended, have access to any written 9884
reports pertaining to the prohibited incident; 9885

(6) A procedure for documenting any prohibited incident 9886
that is reported; 9887

(7) A procedure for responding to and investigating any 9888
reported incident; 9889

(8) A strategy for protecting a victim or other person 9890
from new or additional harassment, intimidation, or bullying, 9891
and from retaliation following a report, including a means by 9892
which a person may report an incident anonymously; 9893

(9) A disciplinary procedure for any student guilty of 9894
harassment, intimidation, or bullying, which shall not infringe 9895
on any student's rights under the first amendment to the 9896
Constitution of the United States; 9897

(10) A statement prohibiting students from deliberately 9898
making false reports of harassment, intimidation, or bullying 9899
and a disciplinary procedure for any student responsible for 9900
deliberately making a false report of that nature; 9901

(11) A requirement that the district administration 9902
semiannually provide the president of the district board a 9903
written summary of all reported incidents and post the summary 9904
on its web site, if the district has a web site, to the extent 9905
permitted by section 3319.321 of the Revised Code and the 9906
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 9907
571, 20 U.S.C. 1232g, as amended. 9908

(C) Each board's policy shall appear in any student 9909
handbooks, and in any of the publications that set forth the 9910
comprehensive rules, procedures, and standards of conduct for 9911
schools and students in the district. The policy and an 9912
explanation of the seriousness of bullying by electronic means 9913
shall be made available to students in the district and to their 9914
~~custodial parents, designated parent and legal custodian,~~ or 9915
guardians. Information regarding the policy shall be 9916
incorporated into employee training materials. 9917

(D) (1) To the extent that state or federal funds are 9918
appropriated for this purpose, each board shall require that all 9919
students enrolled in the district annually be provided with age- 9920
appropriate instruction, as determined by the board, on the 9921
board's policy, including a written or verbal discussion of the 9922
consequences for violations of the policy. 9923

(2) Each board shall require that once each school year a 9924
written statement describing the policy and the consequences for 9925
violations of the policy be sent to each student's ~~custodial-~~ 9926
~~parent~~ parents, designated parent and legal custodian, or 9927
guardian. The statement may be sent with regular student report 9928
cards or may be delivered electronically. 9929

(E) A school district employee, student, or volunteer 9930
shall be individually immune from liability in a civil action 9931
for damages arising from reporting an incident in accordance 9932
with a policy adopted pursuant to this section if that person 9933
reports an incident of harassment, intimidation, or bullying 9934
promptly in good faith and in compliance with the procedures as 9935
specified in the policy. 9936

(F) Except as provided in division (E) of this section, 9937
nothing in this section prohibits a victim from seeking redress 9938

under any other provision of the Revised Code or common law that 9939
may apply. 9940

(G) This section does not create a new cause of action or 9941
a substantive legal right for any person. 9942

(H) Each board shall update the policy adopted under this 9943
section to include violence within a dating relationship and 9944
harassment, intimidation, or bullying by electronic means. 9945

Sec. 3313.672. (A) (1) At the time of initial entry to a 9946
public or nonpublic school, a pupil shall present to the person 9947
in charge of admission any records given the pupil by the public 9948
or nonpublic elementary or secondary school the pupil most 9949
recently attended; a certified copy of an order or decree, or 9950
modification of such an order or decree allocating ~~parental-~~ 9951
~~rights and parenting responsibilities for the care of a child-~~ 9952
and designating a ~~residential-designated~~ parent and legal 9953
custodian of the child, as provided in division (B) of this 9954
section, if that type of order or decree has been issued; a copy 9955
of a power of attorney or caretaker authorization affidavit, if 9956
either has been executed with respect to the child pursuant to 9957
sections 3109.51 to 3109.80 of the Revised Code; and a 9958
certification of birth issued pursuant to Chapter 3705. of the 9959
Revised Code, a comparable certificate or certification issued 9960
pursuant to the statutes of another state, territory, 9961
possession, or nation, or a document in lieu of a certificate or 9962
certification as described in divisions (A) (1) (a) to (e) of this 9963
section. Any of the following shall be accepted in lieu of a 9964
certificate or certification of birth by the person in charge of 9965
admission: 9966

(a) A passport or attested transcript of a passport filed 9967
with a registrar of passports at a point of entry of the United 9968

States showing the date and place of birth of the child; 9969

(b) An attested transcript of the certificate of birth; 9970

(c) An attested transcript of the certificate of baptism 9971
or other religious record showing the date and place of birth of 9972
the child; 9973

(d) An attested transcript of a hospital record showing 9974
the date and place of birth of the child; 9975

(e) A birth affidavit. 9976

(2) If a pupil requesting admission to a school of the 9977
school district in which the pupil is entitled to attend school 9978
under section 3313.64 or 3313.65 of the Revised Code has been 9979
discharged or released from the custody of the department of 9980
youth services under section 5139.51 of the Revised Code just 9981
prior to requesting admission to the school, no school official 9982
shall admit that pupil until the records described in divisions 9983
(D) (4) (a) to (d) of section 2152.18 of the Revised Code have 9984
been received by the superintendent of the school district. 9985

(3) No public or nonpublic school official shall deny a 9986
protected child admission to the school solely because the child 9987
does not present a birth certificate described in division (A) 9988
(1) of this section, a comparable certificate or certification 9989
from another state, territory, possession, or nation, or another 9990
document specified in divisions (A) (1) (a) to (e) of this section 9991
upon registration for entry into the school. However, the 9992
protected child, or the parent, legal custodian, or guardian of 9993
that child, shall present a birth certificate or other document 9994
specified in divisions (A) (1) (a) to (e) of this section to the 9995
person in charge of admission of the school within ninety days 9996
after the child's initial entry into the school. 9997

(4) Except as otherwise provided in division (A) (2) or (3) 9998
of this section, within twenty-four hours of the entry into the 9999
school of a pupil described in division (A) (1) of this section, 10000
a school official shall request the pupil's official records 10001
from the public or nonpublic elementary or secondary school the 10002
pupil most recently attended. If the public or nonpublic school 10003
the pupil claims to have most recently attended indicates that 10004
it has no record of the pupil's attendance or the records are 10005
not received within fourteen days of the date of request, or if 10006
the pupil does not present a certification of birth described in 10007
division (A) (1) of this section, a comparable certificate or 10008
certification from another state, territory, possession, or 10009
nation, or another document specified in divisions (A) (1) (a) to 10010
(e) of this section, the principal or chief administrative 10011
officer of the school shall notify the law enforcement agency 10012
having jurisdiction in the area where the pupil resides of this 10013
fact and of the possibility that the pupil may be a missing 10014
child, as defined in section 2901.30 of the Revised Code. 10015

(B) (1) Whenever an order or decree allocating ~~parental-~~ 10016
~~rights and parenting responsibilities for the care of a child-~~ 10017
~~and designating a residential parent and legal custodian of the-~~ 10018
~~child, including a temporary order, is issued resulting from an-~~ 10019
~~action of divorce, alimony, annulment, or dissolution of-~~ 10020
~~marriage, including a temporary order, and the order or decree~~ 10021
pertains to a child who is a pupil in a public or nonpublic 10022
school, the ~~residential-designated parent or legal custodian of-~~ 10023
~~the child shall notify the school of those allocations and-~~ 10024
~~designations by providing shall provide the person in charge of-~~ 10025
~~admission at the pupil's school with a certified copy of the~~ 10026
~~order or decree that made the allocation and designation.~~ 10027
Whenever there is a modification of any order or decree 10028

allocating ~~parental rights and parenting responsibilities for~~ 10029
~~the care of a child and designating a residential parent and~~ 10030
~~legal custodian of the child that has been submitted to a~~ 10031
~~school, the residential~~ a designated parent or legal custodian 10032
shall provide the ~~person in charge of admission at the pupil's~~ 10033
school with a certified copy of the order or decree ~~that makes~~ 10034
~~the modification.~~ 10035

(2) Whenever a power of attorney is executed under 10036
sections 3109.51 to 3109.62 of the Revised Code that pertains to 10037
a child who is a pupil in a public or nonpublic school, the 10038
attorney in fact shall notify the school of the power of 10039
attorney by providing the person in charge of admission with a 10040
copy of the power of attorney. Whenever a caretaker 10041
authorization affidavit is executed under sections 3109.64 to 10042
3109.73 of the Revised Code that pertains to a child who is in a 10043
public or nonpublic school, the grandparent who executed the 10044
affidavit shall notify the school of the affidavit by providing 10045
the person in charge of admission with a copy of the affidavit. 10046

(C) If, at the time of a pupil's initial entry to a public 10047
or nonpublic school, the pupil is under the care of a shelter 10048
for victims of domestic violence, as defined in section 3113.33 10049
of the Revised Code, the pupil or the pupil's parent or legal 10050
custodian shall notify the school of that fact. Upon being so 10051
informed, the school shall inform the elementary or secondary 10052
school from which it requests the pupil's records of that fact. 10053

(D) Whenever a public or nonpublic school is notified by a 10054
law enforcement agency pursuant to division (D) of section 10055
2901.30 of the Revised Code that a missing child report has been 10056
filed regarding a pupil who is currently or was previously 10057
enrolled in the school, the person in charge of admission at the 10058

school shall mark that pupil's records in such a manner that 10059
whenever a copy of or information regarding the records is 10060
requested, any school official responding to the request is 10061
alerted to the fact that the records are those of a missing 10062
child. Upon any request for a copy of or information regarding a 10063
pupil's records that have been so marked, the person in charge 10064
of admission immediately shall report the request to the law 10065
enforcement agency that notified the school that the pupil is a 10066
missing child. When forwarding a copy of or information from the 10067
pupil's records in response to a request, the person in charge 10068
of admission shall do so in such a way that the receiving 10069
district or school would be unable to discern that the pupil's 10070
records are marked pursuant to this division but shall retain 10071
the mark in the pupil's records until notified that the pupil is 10072
no longer a missing child. Upon notification by a law 10073
enforcement agency that a pupil is no longer a missing child, 10074
the person in charge of admission shall remove the mark from the 10075
pupil's records in such a way that if the records were forwarded 10076
to another district or school, the receiving district or school 10077
would be unable to discern that the records were ever marked. 10078

(E) As used in this section: 10079

(1) "Protected child" means a child placed in a foster 10080
home, as that term is defined in section 5103.02 of the Revised 10081
Code, or in a residential facility. 10082

(2) "Residential facility" means a group home for 10083
children, children's crisis care facility, children's 10084
residential center, residential parenting facility that provides 10085
twenty-four-hour child care, county children's home, or district 10086
children's home. 10087

Sec. 3313.712. As used in this section, "parent" means 10088

parent as defined in section 3321.01 of the Revised Code. 10089

(A) Annually the board of education of each city, exempted 10090
village, local, and joint vocational school district shall, 10091
before the first day of October, provide to the parent of every 10092
pupil enrolled in schools under the board's jurisdiction, an 10093
emergency medical authorization form that is an identical copy 10094
of the form contained in division (B) of this section. 10095
Thereafter, the board shall, within thirty days after the entry 10096
of any pupil into a public school in this state for the first 10097
time, provide ~~his~~ the pupil's parent, either as part of any 10098
registration form which is in use in the district, or as a 10099
separate form, an identical copy of the form contained in 10100
division (B) of this section. When the form is returned to the 10101
school with Part I or Part II completed, the school shall keep 10102
the form on file, and shall send the form to any school of a 10103
city, exempted village, local, or joint vocational school 10104
district to which the pupil is transferred. Upon request of ~~his~~ 10105
a pupil's parent, authorities of the school in which the pupil 10106
is enrolled may permit the parent to make changes in a 10107
previously filed form, or to file a new form. 10108

If a parent does not wish to give such written permission, 10109
~~he~~ the parent shall indicate in the proper place on the form the 10110
procedure ~~he~~ the parent wishes school authorities to follow in 10111
the event of a medical emergency involving ~~his~~ the parent's 10112
child. 10113

Even if a parent gives written consent for emergency 10114
medical treatment, when a pupil becomes ill or is injured and 10115
requires emergency medical treatment while under school 10116
authority, or while engaged in an extra-curricular activity 10117
authorized by the appropriate school authorities, the 10118

authorities of ~~his~~ the pupil's school shall make reasonable 10119
attempts to contact the parent before treatment is given. The 10120
school shall present the pupil's emergency medical authorization 10121
form or copy thereof to the hospital or practitioner rendering 10122
treatment. 10123

Nothing in this section shall be construed to impose 10124
liability on any school official or school employee who, in good 10125
faith, attempts to comply with this section. 10126

(B) The emergency medical authorization form provided for 10127
in division (A) of this section is as follows: 10128

"EMERGENCY MEDICAL AUTHORIZATION 10129

School _____ Student Name _____ 10130

_____ Address _____ 10131

_____ _____ 10132

_____ Telephone _____ 10133

Purpose - To enable parents and guardians to authorize the 10134
provision of emergency treatment for children who become ill or 10135
injured while under school authority, when parents or guardians 10136
cannot be reached. 10137

~~Residential~~ Parent or Guardian 10138

Mother's Name _____ Daytime Phone _____ 10139

Father's Name _____ Daytime Phone _____ 10140

Other's Name _____ Daytime Phone _____ 10141

Name of Relative or Childcare Provider 10142

_____ Relationship _____ 10143

Address _____ Phone _____ 10144

PART I OR II MUST BE COMPLETED 10145

PART I - TO GRANT CONSENT 10146

I hereby give consent for the following medical care 10147

providers and local hospital to be called: 10148

Doctor _____ Phone _____ 10149

Dentist _____ Phone _____ 10150

Medical Specialist _____ Phone _____ 10151

Local Hospital _____ Emergency Room Phone _____ 10152

In the event reasonable attempts to contact me have been 10153

unsuccessful, I hereby give my consent for (1) the 10154

administration of any treatment deemed necessary by above-named 10155

doctor, or, in the event the designated preferred practitioner 10156

is not available, by another licensed physician or dentist; and 10157

(2) the transfer of the child to any hospital reasonably 10158

accessible. 10159

This authorization does not cover major surgery unless the 10160

medical opinions of two other licensed physicians or dentists, 10161

concurring in the necessity for such surgery, are obtained prior 10162

to the performance of such surgery. 10163

Facts concerning the child's medical history including 10164

allergies, medications being taken, and any physical impairments 10165

to which a physician should be alerted: 10166

Date _____ Signature of 10167

Parent/Guardian 10168

_____ 10169

Address _____ 10170

_____ 10171

PART II - REFUSAL TO CONSENT 10172

I do NOT give my consent for emergency medical treatment 10173
of my child. In the event of illness or injury requiring 10174
emergency treatment, I wish the school authorities to take the 10175
following action: 10176

Date _____ Signature of 10177

Parent/Guardian 10178

_____ 10179

Address 10180

_____ 10181

_____ " 10182

Sec. 3313.96. (A) As used in this section, "minor," 10183
"missing child," and "missing children" have the same meanings 10184
as in section 2901.30 of the Revised Code. 10185

(B) Each board of education shall develop within its 10186
district informational programs for students, parents, and 10187
community members relative to missing children issues and 10188
matters. Each of these boards may request copies of the 10189
informational materials acquired or prepared by the missing 10190
children clearinghouse pursuant to section 109.65 of the Revised 10191
Code and may request assistance from the clearinghouse in 10192
developing its programs. 10193

The principal or chief administrative officer of a 10194
nonpublic school in this state may develop within ~~his~~ the 10195
principal's or officer's school informational programs relative 10196

to missing children issues and matters for students, parents, 10197
and community members. The principal or officer may request 10198
copies of the informational materials acquired or prepared by 10199
the missing children clearinghouse and may request assistance 10200
from the clearinghouse in developing its programs. 10201

(C) Each board of education may develop a fingerprinting 10202
program for students and minors within the district. The 10203
principal or chief administrative officer of a nonpublic school 10204
in this state may develop a fingerprinting program for students 10205
of the school. If developed, the program shall be developed in 10206
conjunction with law enforcement agencies having jurisdiction 10207
within the school district or where the nonpublic school is 10208
located and, in the case of a local school district, in 10209
conjunction with the governing board of the educational service 10210
center. Such law enforcement agencies shall cooperate fully with 10211
the board or nonpublic school in the development of its 10212
fingerprinting program. 10213

If developed, the fingerprinting program shall be 10214
developed for the sole purpose of providing a means by which a 10215
missing child might be located or identified and shall be 10216
operated on the following basis: 10217

(1) No student or minor shall be required to participate 10218
in the program. 10219

(2) In order for a student or minor to participate in the 10220
program, the parents, parent who is the ~~residential~~-designated 10221
parent and legal custodian, guardian, legal custodian, or other 10222
person responsible for the student or minor shall authorize the 10223
student's or minor's participation by signing a form that shall 10224
be developed by the board of education or by the principal or 10225
chief administrative officer of the nonpublic school, for the 10226

program. 10227

(3) The fingerprinting of students or minors shall be 10228
performed by members of the associated law enforcement agencies 10229
on fingerprint sheets provided to the school districts or 10230
nonpublic schools by the bureau of criminal identification and 10231
investigation pursuant to section 109.58 of the Revised Code or 10232
on fingerprint sheets or cards otherwise acquired. 10233

(4) All fingerprint cards shall be given to the parents, 10234
parent who is the ~~residential-designated~~ parent and legal 10235
custodian, guardian, legal custodian, or other person 10236
responsible for a student or minor after the fingerprinting of 10237
the student or minor. No copy of a fingerprinting shall be 10238
retained by a law enforcement agency, school, school district, 10239
or any other person except the student or minor's parent, 10240
guardian, or legal custodian. 10241

(5) The name, sex, hair and eye color, height, weight, and 10242
date and place of birth of the student or minor shall be 10243
indicated on the fingerprint sheet or card. 10244

(6) The fingerprinting program developed pursuant to this 10245
section shall be offered on a periodic basis. Parents, 10246
guardians, legal custodians, and residents of the districts or 10247
in the communities served by the schools shall be notified 10248
periodically of the program and its purpose. These notifications 10249
may be given by means of memoranda or letters sent to these 10250
persons, by newspaper articles, or by other reasonable means. 10251

(D) This section does not affect any fingerprinting 10252
programs for minors that are provided by private organizations 10253
or governmental entities other than school districts. 10254

Sec. 3313.98. Notwithstanding division (D) of section 10255

3311.19 and division (D) of section 3311.52 of the Revised Code, 10256
the provisions of this section and sections 3313.981 to 3313.983 10257
of the Revised Code that apply to a city school district do not 10258
apply to a joint vocational or cooperative education school 10259
district unless expressly specified. 10260

(A) As used in this section and sections 3313.981 to 10261
3313.983 of the Revised Code: 10262

(1) "Parent" means either of the natural or adoptive 10263
parents of a student, except under the following conditions: 10264

(a) When the marriage of the natural or adoptive parents 10265
of the student has been terminated by a divorce, dissolution of 10266
marriage, or annulment or the natural or adoptive parents of the 10267
student are living separate and apart under a legal separation 10268
decree and the court has issued an order allocating ~~the parental~~ 10269
~~rights and parenting responsibilities with respect to the~~ 10270
~~student~~, "parent" means the ~~residential-designated~~ parent and 10271
legal custodian as designated by the court except that "parent" 10272
means either parent when the court ~~issues~~ issued a shared 10273
parenting decree prior to the effective date of this amendment 10274
or approves a parenting plan under sections 3109.04 to 3109.0498 10275
of the Revised Code. 10276

(b) When a court has granted temporary or permanent 10277
custody of the student to an individual or agency other than 10278
either of the natural or adoptive parents of the student, 10279
"parent" means the legal custodian of the child. 10280

(c) When a court has appointed a guardian for the student, 10281
"parent" means the guardian of the student. 10282

(2) "Native student" means a student entitled under 10283
section 3313.64 or 3313.65 of the Revised Code to attend school 10284

in a district adopting a resolution under this section. 10285

(3) "Adjacent district" means a city, exempted village, or 10286
local school district having territory that abuts the territory 10287
of a district adopting a resolution under this section. 10288

(4) "Adjacent district student" means a student entitled 10289
under section 3313.64 or 3313.65 of the Revised Code to attend 10290
school in an adjacent district. 10291

(5) "Adjacent district joint vocational student" means an 10292
adjacent district student who enrolls in a city, exempted 10293
village, or local school district pursuant to this section and 10294
who also enrolls in a joint vocational school district that does 10295
not contain the territory of the district for which that student 10296
is a native student and does contain the territory of the city, 10297
exempted village, or local district in which the student 10298
enrolls. 10299

(6) "Poverty line" means the poverty line established by 10300
the director of the United States office of management and 10301
budget as revised by the secretary of health and human services 10302
in accordance with section 673(2) of the "Community Services 10303
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 10304

(7) "IEP" has the same meaning as in section 3323.01 of 10305
the Revised Code. 10306

(8) "Other district" means a city, exempted village, or 10307
local school district having territory outside of the territory 10308
of a district adopting a resolution under this section. 10309

(9) "Other district student" means a student entitled 10310
under section 3313.64 or 3313.65 of the Revised Code to attend 10311
school in an other district. 10312

(10) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(11) "Active duty member" means a member of the armed forces of the United States who is on full-time duty.

(12) "Armed forces" means the United States army, navy, air force, space force, marine corps, and coast guard.

(B) (1) Subject to division (I) of this section, the board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies:

(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code;

(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;

(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following:

(a) Application procedures, including deadlines for 10341
application and for notification of students and the 10342
superintendent of the applicable district whenever an adjacent 10343
or other district student's application is approved. 10344

(b) Procedures for admitting adjacent or other district 10345
applicants free of any tuition obligation to the district's 10346
schools, including, but not limited to: 10347

(i) The establishment of district capacity limits by grade 10348
level, school building, and education program; 10349

(ii) A requirement that all native students wishing to be 10350
enrolled in the district will be enrolled and that any adjacent 10351
or other district students previously enrolled in the district 10352
shall receive preference over first-time applicants; 10353

(iii) Procedures to ensure that an appropriate racial 10354
balance is maintained in the district schools. 10355

(C) Except as provided in section 3313.982 of the Revised 10356
Code, the procedures for admitting adjacent or other district 10357
students, as applicable, shall not include: 10358

(1) Any requirement of academic ability, or any level of 10359
athletic, artistic, or other extracurricular skills; 10360

(2) Limitations on admitting applicants because of 10361
disability, except that a board may refuse to admit a student 10362
receiving services under Chapter 3323. of the Revised Code, if 10363
the services described in the student's IEP are not available in 10364
the district's schools; 10365

(3) A requirement that the student be proficient in the 10366
English language; 10367

(4) Rejection of any applicant because the student has 10368

been subject to disciplinary proceedings, except that if an 10369
applicant has been suspended or expelled by the student's 10370
district for ten consecutive days or more in the term for which 10371
admission is sought or in the term immediately preceding the 10372
term for which admission is sought, the procedures may include a 10373
provision denying admission of such applicant. 10374

(D) (1) Each school board permitting only enrollment of 10375
adjacent district students shall provide information about the 10376
policy adopted under this section, including the application 10377
procedures and deadlines, to the superintendent and the board of 10378
education of each adjacent district and, upon request, to the 10379
parent of any adjacent district student. 10380

(2) Each school board permitting enrollment of other 10381
district students shall provide information about the policy 10382
adopted under this section, including the application procedures 10383
and deadlines, upon request, to the board of education of any 10384
other school district or to the parent of any student anywhere 10385
in the state. 10386

(E) Any school board shall accept all credits toward 10387
graduation earned in adjacent or other district schools by an 10388
adjacent or other district student or a native student. 10389

(F) (1) No board of education may adopt a policy 10390
discouraging or prohibiting its native students from applying to 10391
enroll in the schools of an adjacent or any other district that 10392
has adopted a policy permitting such enrollment, except that: 10393

(a) A district may object to the enrollment of a native 10394
student in an adjacent or other district in order to maintain an 10395
appropriate racial balance. 10396

(b) The board of education of a district receiving funds 10397

under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 10398
may adopt a resolution objecting to the enrollment of its native 10399
students in adjacent or other districts if at least ten per cent 10400
of its students are included in the determination of the United 10401
States secretary of education made under section 20 U.S.C.A. 10402
238(a). 10403

(2) If a board objects to enrollment of native students 10404
under this division, any adjacent or other district shall refuse 10405
to enroll such native students unless tuition is paid for the 10406
students in accordance with section 3317.08 of the Revised Code. 10407
An adjacent or other district enrolling such students may not 10408
receive funding for those students in accordance with section 10409
3313.981 of the Revised Code. 10410

(G) The department of education and workforce shall 10411
monitor school districts to ensure compliance with this section 10412
and the districts' policies. The department may adopt rules 10413
requiring uniform application procedures, deadlines for 10414
application, notification procedures, and record-keeping 10415
requirements for all school boards that adopt policies 10416
permitting the enrollment of adjacent or other district 10417
students, as applicable. If the department adopts such rules, no 10418
school board shall adopt a policy that conflicts with those 10419
rules. 10420

(H) A resolution adopted by a board of education under 10421
this section that entirely prohibits the enrollment of students 10422
from adjacent and from other school districts does not abrogate 10423
any agreement entered into under section 3313.841 or 3313.92 of 10424
the Revised Code or any contract entered into under section 10425
3313.90 of the Revised Code between the board of education 10426
adopting the resolution and the board of education of any 10427

adjacent or other district or prohibit these boards of education 10428
from entering into any such agreement or contract. 10429

(I) Notwithstanding anything to the contrary in this 10430
section or section 3313.981 of the Revised Code, all of the 10431
following apply: 10432

(1) A policy adopted by a city, exempted village, or local 10433
school district board of education under division (B) (1) (a) or 10434
(b) of this section shall permit any student who is not a native 10435
student of the district to enroll in the district if both of the 10436
following apply: 10437

(a) The student's parent is an active duty member of the 10438
armed forces stationed in the state. 10439

(b) The student's parent provides to the district a copy 10440
of the parent's official written order verifying the parent's 10441
status as an active duty member of the armed forces. 10442

(2) In enrolling a student pursuant to division (I) of 10443
this section, a district shall comply with procedures prescribed 10444
under divisions (B) (2) and (C) of this section. In addition, the 10445
district shall not require tuition to be paid for the student's 10446
enrollment in the district. 10447

(3) A student who, pursuant to this division, enrolls in a 10448
district that has adopted a policy under division (B) (1) (a) of 10449
this section and who is not a native student of that district 10450
shall, for the purposes of sections 3313.981, 3315.18, 3317.03, 10451
and 3318.011 of the Revised Code, be considered as an "other 10452
district student" who enrolls in a district that has adopted a 10453
policy under division (B) (1) (c) of this section. Such student 10454
also shall receive transportation services under section 10455
3313.981 of the Revised Code in the same manner as an "other 10456

district student." 10457

(4) A student who, pursuant to this division, enrolls in a 10458
district that has adopted a policy under division (B) (1) (b) of 10459
this section and who is not a native student of the district or 10460
an adjacent district shall, nevertheless, be considered an 10461
"adjacent district student" for the purposes of sections 10462
3313.981, 3315.18, and 3317.03 of the Revised Code. 10463

(5) A student who, pursuant to this division, enrolls in a 10464
district that has adopted a policy under division (B) (1) (b) of 10465
this section and whose parent is subsequently discharged or 10466
released from active duty shall be permitted to attend school in 10467
that district and receive transportation services under section 10468
3313.981 of the Revised Code in the same manner as an "other 10469
district student" for the remainder of the school year in which 10470
the parent is discharged or released from active duty. After the 10471
conclusion of that school year, that student shall not be 10472
eligible under this division, as long as the student does not 10473
have a parent on active duty. 10474

(J) Nothing in this section shall be construed to permit 10475
or require the board of education of a city, exempted village, 10476
or local school district to exclude any native student of the 10477
district from enrolling in the district. 10478

Sec. 3319.321. (A) No person shall release, or permit 10479
access to, the directory information concerning any students 10480
attending a public school to any person or group for use in a 10481
profit-making plan or activity. Notwithstanding division (B) (4) 10482
of section 149.43 of the Revised Code, a person may require 10483
disclosure of the requestor's identity or the intended use of 10484
the directory information concerning any students attending a 10485
public school to ascertain whether the directory information is 10486

for use in a profit-making plan or activity. 10487

(B) No person shall release, or permit access to, 10488
personally identifiable information other than directory 10489
information concerning any student attending a public school, 10490
for purposes other than those identified in division (C), (E), 10491
(G), or (H) of this section, without the written consent of the 10492
parent, guardian, or legal custodian of each such student who is 10493
less than eighteen years of age, or without the written consent 10494
of each such student who is eighteen years of age or older. 10495

(1) For purposes of this section, "directory information" 10496
includes a student's name, address, telephone listing, date and 10497
place of birth, major field of study, participation in 10498
officially recognized activities and sports, weight and height 10499
of members of athletic teams, dates of attendance, date of 10500
graduation, and awards received. 10501

(2) (a) Except as provided in division (B) (2) (b) of this 10502
section, no school district board of education shall impose any 10503
restriction on the presentation of directory information that it 10504
has designated as subject to release in accordance with the 10505
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 10506
571, 20 U.S.C. 1232q, as amended, to representatives of the 10507
armed forces, business, industry, charitable institutions, other 10508
employers, and institutions of higher education unless such 10509
restriction is uniformly imposed on each of these types of 10510
representatives, except that if a student eighteen years of age 10511
or older or a student's parent, guardian, or legal custodian has 10512
informed the board that any or all such information should not 10513
be released without such person's prior written consent, the 10514
board shall not release that information without such person's 10515
prior written consent. 10516

(b) The names and addresses of students in grades ten 10517
through twelve shall be released to a recruiting officer for any 10518
branch of the United States armed forces who requests such 10519
information, except that such data shall not be released if the 10520
student or student's parent, guardian, or legal custodian 10521
submits to the board a written request not to release such data. 10522
Any data received by a recruiting officer shall be used solely 10523
for the purpose of providing information to students regarding 10524
military service and shall not be released to any person other 10525
than individuals within the recruiting services of the armed 10526
forces. 10527

(3) Except for directory information and except as 10528
provided in division (E), (G), or (H) of this section, 10529
information covered by this section that is released shall only 10530
be transferred to a third or subsequent party on the condition 10531
that such party will not permit any other party to have access 10532
to such information without written consent of the parent, 10533
guardian, or legal custodian, or of the student who is eighteen 10534
years of age or older. 10535

(4) Except as otherwise provided in this section, any 10536
parent of a student may give the written parental consent 10537
required under this section. Where parents are separated or 10538
divorced, the written parental consent required under this 10539
section may be obtained from either parent, subject to any 10540
agreement between such parents or court order governing the 10541
rights of such parents. In the case of a student whose legal 10542
guardian is in an institution, a person independent of the 10543
institution who has no other conflicting interests in the case 10544
shall be appointed by the board of education of the school 10545
district in which the institution is located to give the written 10546
parental consent required under this section. 10547

(5) (a) A parent or legal custodian of a student ~~who is not~~ 10548
~~the student's residential parent~~, upon request, shall be 10549
permitted access to any records or information concerning the 10550
~~student under the same terms and conditions under which access~~ 10551
~~to the records or information is available to the residential~~ 10552
~~parent of that student~~, provided that the access of the parent 10553
~~who is not the residential parent~~ or legal custodian is subject 10554
to any agreement between the parents and legal custodian, to 10555
division (F) of this section, and, to the extent described in 10556
division (B) (5) (b) of this section, is subject to any court 10557
order issued pursuant to ~~section 3109.051~~ sections 3109.0516 to 10558
3109.0519 of the Revised Code and any other court order 10559
governing the rights of the parents or legal custodian. 10560

(b) If the ~~residential parent~~ or legal custodian of a 10561
student has presented the keeper of a record or information that 10562
is related to the student with a copy of an order issued under 10563
~~division (H) (1) of section 3109.051~~ 3109.057 of the Revised Code 10564
that limits the terms and conditions under which the other 10565
~~parent who is not the residential parent~~ or legal custodian of 10566
the student is to have access to records and information 10567
pertaining to the student or with a copy of any other court 10568
order governing the rights of the parents or legal custodian 10569
that so limits those terms and conditions, and if the order 10570
pertains to the record or information in question, the keeper of 10571
the record or information shall provide access to the other 10572
~~parent who is not the residential parent~~ or legal custodian only 10573
to the extent authorized in the order. If the ~~residential parent~~ 10574
has presented the keeper of the record or information with such 10575
an order, the keeper of the record shall permit the other parent 10576
or legal custodian ~~who is not the residential parent~~ to have 10577
access to the record or information only in accordance with the 10578

most recent such order that has been presented to the keeper ~~by~~ 10579
~~the residential parent or the parent who is not the residential~~ 10580
~~parent.~~ 10581

(C) Nothing in this section shall limit the administrative 10582
use of public school records by a person acting exclusively in 10583
the person's capacity as an employee of a board of education or 10584
of the state or any of its political subdivisions, any court, or 10585
the federal government, and nothing in this section shall 10586
prevent the transfer of a student's record to an educational 10587
institution for a legitimate educational purpose. However, 10588
except as provided in this section, public school records shall 10589
not be released or made available for any other purpose. 10590
Fingerprints, photographs, or records obtained pursuant to 10591
section 3313.96 or 3319.322 of the Revised Code, or pursuant to 10592
division (E) of this section, or any medical, psychological, 10593
guidance, counseling, or other information that is derived from 10594
the use of the fingerprints, photographs, or records, shall not 10595
be admissible as evidence against the minor who is the subject 10596
of the fingerprints, photographs, or records in any proceeding 10597
in any court. The provisions of this division regarding the 10598
administrative use of records by an employee of the state or any 10599
of its political subdivisions or of a court or the federal 10600
government shall be applicable only when the use of the 10601
information is required by a state statute adopted before 10602
November 19, 1974, or by federal law. 10603

(D) A board of education may require, subject to division 10604
(E) of this section, a person seeking to obtain copies of public 10605
school records to pay the cost of reproduction and, in the case 10606
of data released under division (B)(2)(b) of this section, to 10607
pay for any mailing costs, which payment shall not exceed the 10608
actual cost to the school. 10609

(E) A principal or chief administrative officer of a 10610
public school, or any employee of a public school who is 10611
authorized to handle school records, shall provide access to a 10612
student's records to a law enforcement officer who indicates 10613
that the officer is conducting an investigation and that the 10614
student is or may be a missing child, as defined in section 10615
2901.30 of the Revised Code. Free copies of information in the 10616
student's record shall be provided, upon request, to the law 10617
enforcement officer, if prior approval is given by the student's 10618
parent, guardian, or legal custodian. Information obtained by 10619
the officer shall be used solely in the investigation of the 10620
case. The information may be used by law enforcement agency 10621
personnel in any manner that is appropriate in solving the case, 10622
including, but not limited to, providing the information to 10623
other law enforcement officers and agencies and to the bureau of 10624
criminal identification and investigation for purposes of 10625
computer integration pursuant to section 2901.30 of the Revised 10626
Code. 10627

(F) No person shall release to a parent of a student who 10628
is not the student's ~~residential-designated parent and legal~~ 10629
custodian pursuant to division (B) of section 3109.044 of the 10630
Revised Code or to any other person, or permit a parent of a 10631
student who is not the student's ~~residential-designated parent~~ 10632
and legal custodian or permit any other person to have access 10633
to, any information about the location of any elementary or 10634
secondary school to which a student has transferred or 10635
information that would enable the parent who is not the 10636
student's ~~residential-designated parent and legal custodian~~ or 10637
the other person to determine the location of that elementary or 10638
secondary school, if the elementary or secondary school to which 10639
the student has transferred and that requested the records of 10640

the student under section 3313.672 of the Revised Code informs 10641
the elementary or secondary school from which the student's 10642
records are obtained that the student is under the care of a 10643
shelter for victims of domestic violence, as defined in section 10644
3113.33 of the Revised Code. 10645

(G) A principal or chief administrative officer of a 10646
public school, or any employee of a public school who is 10647
authorized to handle school records, shall comply with any order 10648
issued pursuant to division (D) (1) of section 2151.14 of the 10649
Revised Code, any request for records that is properly made 10650
pursuant to division (D) (3) (a) of section 2151.14 or division 10651
(A) of section 2151.141 of the Revised Code, and any 10652
determination that is made by a court pursuant to division (D) 10653
(3) (b) of section 2151.14 or division (B) (1) of section 2151.141 10654
of the Revised Code. 10655

(H) Notwithstanding any provision of this section, a 10656
principal of a public school, to the extent permitted by the 10657
"Family Educational Rights and Privacy Act of 1974," shall make 10658
the report required in section 3319.45 of the Revised Code that 10659
a pupil committed any violation listed in division (A) of 10660
section 3313.662 of the Revised Code on property owned or 10661
controlled by, or at an activity held under the auspices of, the 10662
board of education, regardless of whether the pupil was sixteen 10663
years of age or older. The principal is not required to obtain 10664
the consent of the pupil who is the subject of the report or the 10665
consent of the pupil's parent, guardian, or legal custodian 10666
before making a report pursuant to section 3319.45 of the 10667
Revised Code. 10668

Sec. 3321.01. (A) (1) As used in this chapter, "parent," 10669
"guardian," or "other person having charge or care of a child" 10670

means either parent unless the parents are separated or divorced 10671
or their marriage has been dissolved or annulled, in which case 10672
"parent" means the parent or legal custodian who is the 10673
~~residential-designated~~ parent and legal custodian of the child. 10674
If the child is in the legal or permanent custody of a person or 10675
government agency, "parent" means that person or government 10676
agency. When a child is a resident of a home, as defined in 10677
section 3313.64 of the Revised Code, and the child's parent is 10678
not a resident of this state, "parent," "guardian," or "other 10679
person having charge or care of a child" means the head of the 10680
home. 10681

A child between six and eighteen years of age is "of 10682
compulsory school age" for the purpose of sections 3321.01 to 10683
3321.13 of the Revised Code. A child under six years of age who 10684
has been enrolled in kindergarten also shall be considered "of 10685
compulsory school age" for the purpose of sections 3321.01 to 10686
3321.13 of the Revised Code unless at any time the child's 10687
parent or guardian, at the parent's or guardian's discretion and 10688
in consultation with the child's teacher and principal, formally 10689
withdraws the child from kindergarten. The compulsory school age 10690
of a child shall not commence until the beginning of the term of 10691
such schools, or other time in the school year fixed by the 10692
rules of the board of the district in which the child resides. 10693

(2) In a district in which all children are admitted to 10694
kindergarten and the first grade in August or September, a child 10695
shall be admitted if the child is five or six years of age, 10696
respectively, by the thirtieth day of September of the year of 10697
admittance, or by the first day of a term or semester other than 10698
one beginning in August or September in school districts 10699
granting admittance at the beginning of such term or semester. A 10700
child who does not meet the age requirements of this section for 10701

admittance to kindergarten or first grade, but who will be five 10702
or six years old, respective, prior to the first day of January 10703
of the school year in which admission is requested, shall be 10704
evaluated for early admittance in accordance with district 10705
policy upon referral by the child's parent or guardian, an 10706
educator employed by the district, a preschool educator who 10707
knows the child, or a pediatrician or psychologist who knows the 10708
child. Following an evaluation in accordance with a referral 10709
under this section, the district board shall decide whether to 10710
admit the child. If a child for whom admission to kindergarten 10711
or first grade is requested will not be five or six years of 10712
age, respectively, prior to the first day of January of the 10713
school year in which admission is requested, the child shall be 10714
admitted only in accordance with the district's acceleration 10715
policy adopted under section 3324.10 of the Revised Code. 10716

(3) Notwithstanding division (A) (2) of this section, 10717
beginning with the school year that starts in 2001 and 10718
continuing thereafter the board of education of any district may 10719
adopt a resolution establishing the first day of August in lieu 10720
of the thirtieth day of September as the required date by which 10721
students must have attained the age specified in that division. 10722

(4) After a student has been admitted to kindergarten in a 10723
school district or chartered nonpublic school, no board of 10724
education of a school district to which the student transfers 10725
shall deny that student admission based on the student's age. 10726

(B) As used in division (C) of this section, "successfully 10727
completed kindergarten" means that the child has completed the 10728
kindergarten requirements at one of the following: 10729

(1) A public or chartered nonpublic school; 10730

(2) A kindergarten class that is both of the following:	10731
(a) Offered by a child care provider licensed under	10732
Chapter 5104. of the Revised Code;	10733
(b) If offered after July 1, 1991, is directly taught by a	10734
teacher who holds one of the following:	10735
(i) A valid educator license issued under section 3319.22	10736
of the Revised Code;	10737
(ii) A Montessori preprimary credential or age-appropriate	10738
diploma granted by the American Montessori society or the	10739
association Montessori internationale;	10740
(iii) Certification determined under division (F) of this	10741
section to be equivalent to that described in division (B) (2) (b)	10742
(ii) of this section;	10743
(iv) Certification for teachers in nontax-supported	10744
schools pursuant to section 3301.071 of the Revised Code.	10745
(C) (1) Except as provided in division (A) (2) of this	10746
section, no school district shall admit to the first grade any	10747
child who has not successfully completed kindergarten.	10748
(2) Notwithstanding division (A) (2) of this section, any	10749
student who has successfully completed kindergarten in	10750
accordance with section (B) of this section shall be admitted to	10751
first grade.	10752
(D) The scheduling of times for kindergarten classes and	10753
length of the school day for kindergarten shall be determined by	10754
the board of education of a city, exempted village, or local	10755
school district.	10756
(E) Any kindergarten class offered by a child care	10757

provider or school described by division (B) (1) or (B) (2) (a) of 10758
this section shall be developmentally appropriate. 10759

(F) Upon written request of a child care provider 10760
described by division (B) (2) (a) of this section, the department 10761
of education and workforce shall determine whether certification 10762
held by a teacher employed by the provider meets the requirement 10763
of division (B) (2) (b) (iii) of this section and, if so, shall 10764
furnish the provider a statement to that effect. 10765

(G) As used in this division, "all-day kindergarten" has 10766
the same meaning as in section 3321.05 of the Revised Code. 10767

(1) A school district that is offering all-day 10768
kindergarten for the first time or that charged fees or tuition 10769
for all-day kindergarten in the 2012-2013 school year may charge 10770
fees or tuition for a student enrolled in all-day kindergarten 10771
in any school year following the 2012-2013 school year. The 10772
department shall adjust the district's average daily membership 10773
certification under section 3317.03 of the Revised Code by one- 10774
half of the full-time equivalency for each student charged fees 10775
or tuition for all-day kindergarten under this division. If a 10776
district charges fees or tuition for all-day kindergarten under 10777
this division, the district shall develop a sliding fee scale 10778
based on family incomes. 10779

(2) The department shall conduct an annual survey of each 10780
school district described in division (G) (1) of this section to 10781
determine the following: 10782

(a) Whether the district charges fees or tuition for 10783
students enrolled in all-day kindergarten; 10784

(b) The amount of the fees or tuition charged; 10785

(c) How many of the students for whom tuition is charged 10786

are eligible for free lunches under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and how many of the students for whom tuition is charged are eligible for reduced price lunches under those acts;

(d) How many students are enrolled in traditional half-day kindergarten rather than all-day kindergarten.

Each district shall report to the department, in the manner prescribed by the department, the information described in divisions (G)(2)(a) to (d) of this section.

The department shall issue an annual report on the results of the survey and shall post the report on its web site. The department shall issue the first report not later than April 30, 2008, and shall issue a report not later than the thirtieth day of April each year thereafter.

Sec. 3323.143. If a child with a disability's ~~custodial~~ designated parent and legal custodian has made a unilateral placement of the child, the parent shall be responsible for payment of tuition to the program or facility the child is attending as a result of that placement as long as the district of residence has offered a free appropriate public education to that child. As used in this section, "unilateral placement" means withdrawing a child with a disability from a program or facility operated by the district of residence or from a program or facility with which the district of residence has arranged for education of the child and instead enrolling that child in another program or facility that is not a home, as defined in section 3313.64 of the Revised Code, or that is not a facility or program available to the child pursuant to an open enrollment policy under section 3313.98 or 3313.983 of the Revised Code.

Sec. 3328.01. As used in this chapter: 10817

(A) "Board of trustees" means the board of trustees 10818
established for a college-preparatory boarding school in 10819
accordance with section 3328.15 of the Revised Code. 10820

(B) "Child with a disability," "IEP," and "school district 10821
of residence" have the same meanings as in section 3323.01 of 10822
the Revised Code. 10823

(C) "Eligible student" means a student who is entitled to 10824
attend school in a participating school district; is at risk of 10825
academic failure; is from a family whose income is below two 10826
hundred per cent of the federal poverty guidelines, as defined 10827
in section 5101.46 of the Revised Code; meets any additional 10828
criteria prescribed by agreement between the department of 10829
education and workforce and the operator of the college- 10830
preparatory boarding school in which the student seeks 10831
enrollment; and meets at least two of the following additional 10832
conditions: 10833

(1) The student has a record of in-school disciplinary 10834
actions, suspensions, expulsions, or truancy. 10835

(2) The student has not attained at least a proficient 10836
score on the state achievement assessments in English language 10837
arts, reading, or mathematics prescribed under section 3301.0710 10838
of the Revised Code, after those assessments have been 10839
administered to the student at least once, or the student has 10840
not attained at least a score designated by the board of 10841
trustees of the college-preparatory boarding school in which the 10842
student seeks enrollment under this chapter on an end-of-course 10843
examination in English language arts or mathematics prescribed 10844
under section 3301.0712 of the Revised Code. 10845

(3) The student is a child with a disability.	10846
(4) The student has been referred for academic intervention services.	10847 10848
(5) The student's head of household is a single parent. As used in this division and in division (C) (6) of this section, "head of household" means a person who occupies the same household as the student and who is financially responsible for the student.	10849 10850 10851 10852 10853
(6) The student's head of household is not the student's custodial <u>designated parent and legal custodian</u> .	10854 10855
(7) A member of the student's family has been imprisoned, as defined in section 1.05 of the Revised Code.	10856 10857
(D) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	10858 10859 10860
(E) "Formula ADM," "category one through six special education ADM," and "state education aid" have the same meanings as in section 3317.02 of the Revised Code.	10861 10862 10863
(F) "Operator" means the operator of a college-preparatory boarding school selected under section 3328.11 of the Revised Code.	10864 10865 10866
(G) "Participating school district" means either of the following:	10867 10868
(1) The school district in which a college-preparatory boarding school established under this chapter is located;	10869 10870
(2) A school district other than one described in division (G) (1) of this section that, pursuant to procedures adopted by	10871 10872

the department under section 3328.04 of the Revised Code, agrees 10873
to be a participating school district so that eligible students 10874
entitled to attend school in that district may enroll in a 10875
college-preparatory boarding school established under this 10876
chapter. 10877

Sec. 3332.25. (A) As used in this section: 10878

(1) "On-campus student housing" means a dormitory or other 10879
student residence that is owned or operated by or located on the 10880
campus of a school subject to this chapter. 10881

(2) "Parent" means either parent, except that if one 10882
parent or legal custodian has sole custody ~~been designated the~~ 10883
designated parent and legal custodian, "parent" means the 10884
designated parent and legal custodian ~~with custody~~. "Parent" 10885
also includes a guardian or, in the absence of a parent or 10886
guardian, another person who has accepted responsibility for the 10887
care of the student. 10888

(B) Beginning with the academic year that commences on or 10889
after July 1, 2005, a school subject to this chapter shall not 10890
permit a student to reside in on-campus student housing unless 10891
the student, or, if the student is younger than eighteen years 10892
of age, the student's parent, discloses to the school whether 10893
the student has been vaccinated against meningococcal meningitis 10894
and hepatitis B by submitting to the school the meningitis and 10895
hepatitis B vaccination status statement described in division 10896
(B) of section 3701.133 of the Revised Code or a meningitis 10897
status statement form provided by the school that meets the 10898
requirements of division (B) of section 3701.133 of the Revised 10899
Code. The statement may be submitted in written form or, if the 10900
school has a secure web site, in electronic form. 10901

(C) On receipt of an application for residence in on-campus student housing, a school subject to this chapter shall do both of the following:

(1) Inform the student of the disclosure requirement;

(2) Provide the student in either written or, if the school has a secure web site, electronic form the meningitis and hepatitis B vaccination status statement described in division (B) of section 3701.133 of the Revised Code or a meningitis status statement form provided by the school that meets the requirements of division (B) of section 3701.133 of the Revised Code.

(D) This section does not require a school to provide or pay for a meningococcal meningitis or hepatitis B vaccination for any student.

Sec. 3333.26. (A) Any citizen of this state who has resided within the state for one year, who was in the active service of the United States as a soldier, sailor, nurse, or marine between September 1, 1939, and September 2, 1945, and who has been honorably discharged from that service, shall be admitted to any school, college, or university that receives state funds in support thereof, without being required to pay any tuition or matriculation fee, but is not relieved from the payment of laboratory or similar fees.

(B) (1) As used in this section:

(a) "Volunteer firefighter" has the meaning as in division (B) (1) of section 146.01 of the Revised Code.

(b) "Public service officer" means an Ohio firefighter, volunteer firefighter, police officer, member of the state highway patrol, employee designated to exercise the powers of

police officers pursuant to section 1545.13 of the Revised Code, 10931
or other peace officer as defined by division (B) of section 10932
2935.01 of the Revised Code, or a person holding any equivalent 10933
position in another state. 10934

(c) "Qualified former spouse" means the former spouse of a 10935
public service officer, or of a member of the armed services of 10936
the United States, who is the ~~custodial-designated parent and~~ 10937
legal custodian of a minor child of that marriage pursuant to an 10938
order allocating ~~the parental rights and parenting~~ 10939
responsibilities ~~for care of the child issued pursuant to~~ 10940
~~section sections~~ 3109.04 to 3109.0498 of the Revised Code. 10941

(d) "Operation enduring freedom" means that period of 10942
conflict which began October 7, 2001, and ends on a date 10943
declared by the president of the United States or the congress. 10944

(e) "Operation Iraqi freedom" means that period of 10945
conflict which began March 20, 2003, and ends on a date declared 10946
by the president of the United States or the congress. 10947

(f) "Combat zone" means an area that the president of the 10948
United States by executive order designates, for purposes of 26 10949
U.S.C. 112, as an area in which armed forces of the United 10950
States are or have engaged in combat. 10951

(2) Subject to division (D) of this section, any resident 10952
of this state who is under twenty-six years of age, or under 10953
thirty years of age if the resident has been honorably 10954
discharged from the armed services of the United States, who is 10955
the child of a public service officer killed in the line of duty 10956
or of a member of the armed services of the United States killed 10957
in the line of duty during operation enduring freedom or 10958
operation Iraqi freedom, and who is admitted to any state 10959

university or college as defined in division (A) (1) of section 10960
3345.12 of the Revised Code, community college, state community 10961
college, university branch, or technical college shall not be 10962
required to pay any tuition or any student fee for up to four 10963
academic years of education, which shall be at the undergraduate 10964
level, or a certificate program as prescribed under division (E) 10965
of this section. 10966

A child of a member of the armed services of the United 10967
States killed in the line of duty during operation enduring 10968
freedom or operation Iraqi freedom is eligible for a waiver of 10969
tuition and student fees under this division only if the student 10970
is not eligible for a war orphans and severely disabled 10971
veterans' children scholarship authorized by Chapter 5910. of 10972
the Revised Code. In any year in which the war orphans and 10973
severely disabled veterans' children scholarship board reduces 10974
the percentage of tuition covered by a war orphans and severely 10975
disabled veterans' children scholarship below one hundred per 10976
cent pursuant to division (A) of section 5910.04 of the Revised 10977
Code, the waiver of tuition and student fees under this division 10978
for a child of a member of the armed services of the United 10979
States killed in the line of duty during operation enduring 10980
freedom or operation Iraqi freedom shall be reduced by the same 10981
percentage. 10982

(3) Subject to division (D) of this section, any resident 10983
of this state who is the spouse or qualified former spouse of a 10984
public service officer killed in the line of duty, and who is 10985
admitted to any state university or college as defined in 10986
division (A) (1) of section 3345.12 of the Revised Code, 10987
community college, state community college, university branch, 10988
or technical college, shall not be required to pay any tuition 10989
or any student fee for up to four academic years of education, 10990

which shall be at the undergraduate level, or a certificate 10991
program as prescribed under division (E) of this section. 10992

(4) Any resident of this state who is the spouse or 10993
qualified former spouse of a member of the armed services of the 10994
United States killed in the line of duty while serving in a 10995
combat zone after May 7, 1975, and who is admitted to any state 10996
university or college as defined in division (A) (1) of section 10997
3345.12 of the Revised Code, community college, state community 10998
college, university branch, or technical college, shall not be 10999
required to pay any tuition or any student fee for up to four 11000
years of academic education, which shall be at the undergraduate 11001
level, or a certificate program as prescribed under division (E) 11002
of this section. In order to qualify under division (B) (4) of 11003
this section, the spouse or qualified former spouse shall have 11004
been a resident of this state at the time the member was killed 11005
in the line of duty. 11006

(C) Any institution that is not subject to division (B) of 11007
this section and that holds a valid certificate of registration 11008
issued under Chapter 3332. of the Revised Code or a valid 11009
license issued under Chapter 4713. of the Revised Code, or that 11010
is nonprofit and has a certificate of authorization issued under 11011
section 1713.02 of the Revised Code, or that is a private 11012
institution exempt from regulation under Chapter 3332. of the 11013
Revised Code as prescribed in section 3333.046 of the Revised 11014
Code, which reduces tuition and student fees of a student who is 11015
eligible to attend an institution of higher education under the 11016
provisions of division (B) of this section by an amount 11017
indicated by the chancellor of higher education shall be 11018
eligible to receive a grant in that amount from the chancellor. 11019

Each institution that enrolls students under division (B) 11020

of this section shall report to the chancellor, by the first day 11021
of July of each year, the number of students who were so 11022
enrolled and the average amount of all such tuition and student 11023
fees waived during the preceding year. The chancellor shall 11024
determine the average amount of all such tuition and student 11025
fees waived during the preceding year. The average amount of the 11026
tuition and student fees waived under division (B) of this 11027
section during the preceding year shall be the amount of grants 11028
that participating institutions shall receive under this 11029
division during the current year, but no grant under this 11030
division shall exceed the tuition and student fees due and 11031
payable by the student prior to the reduction referred to in 11032
this division. The grants shall be made for two certificate 11033
programs or four years of undergraduate education of an eligible 11034
student. 11035

(D) Notwithstanding anything to the contrary in section 11036
3333.31 of the Revised Code, for the purposes of divisions (B) 11037
(2) and (3) of this section, the child, spouse, or qualified 11038
former spouse of a public service officer or a member of the 11039
armed services of the United States killed in the line of duty 11040
shall be considered a resident of this state for the purposes of 11041
this section if the child, spouse, or qualified former spouse 11042
was a resident of this state at the time that the public service 11043
officer or member of the armed services was killed. 11044

However, no child, spouse, or qualified former spouse of a 11045
public service officer or a member of the armed services of the 11046
United States killed in the line of duty shall be required to be 11047
a resident of this state at the time the public service officer 11048
or member of the armed services of the United States was killed 11049
in order to receive benefits under divisions (B) (2) and (3) of 11050
this section. 11051

(E) A child, spouse, or qualified former spouse of a public service officer or a member of the armed services killed in the line of duty shall receive benefits for a certificate program in accordance with division (B) or (C) of this section, except that a particular child, spouse, or qualified former spouse shall not receive benefits for:

(1) More than two certificate programs;

(2) A total number of academic credits or instructional hours equivalent to more than four academic years;

(3) For any particular academic year, an amount that is greater than eight thousand dollars.

Sec. 3345.85. (A) As used in this section:

(1) "On-campus student housing" means a dormitory or other student residence that is owned or operated by, or located on the campus of a state institution of higher education.

(2) "Parent" means either parent, except that if one parent or legal custodian has sole custody ~~has sole custody~~ been designated the designated parent and legal custodian, "parent" means the designated parent ~~with custody~~ and legal custodian. "Parent" also includes a guardian or, in the absence of a parent or guardian, another person who has accepted responsibility for the care of the student.

(B) Beginning with the academic year that commences on or after July 1, 2005, a state institution of higher education shall not permit a student to reside in on-campus student housing unless the student, or, if the student is younger than eighteen years of age, the student's parent, discloses to the institution whether the student has been vaccinated against meningococcal meningitis and hepatitis B by submitting to the

institution the meningitis and hepatitis B vaccination status 11081
statement described in division (B) of section 3701.133 of the 11082
Revised Code or a meningitis status statement form provided by 11083
the institution that meets the requirements of division (B) of 11084
section 3701.133 of the Revised Code. The statement may be 11085
submitted in written form or, if the institution has a secure 11086
web site, in electronic form. 11087

(C) On receipt of an application for residence in on- 11088
campus student housing, a state institution of higher education 11089
shall do both of the following: 11090

(1) Inform the student of the disclosure requirement; 11091

(2) Provide the student in either written or, if the 11092
institution has a secure web site, electronic form the 11093
meningitis and hepatitis B vaccination status statement 11094
described in division (B) of section 3701.133 of the Revised 11095
Code or a meningitis status statement form provided by the 11096
institution that meets the requirements of division (B) of 11097
section 3701.133 of the Revised Code. 11098

(D) This section does not require an institution to 11099
provide or pay for a meningococcal meningitis or hepatitis B 11100
vaccination for any student. 11101

Sec. 3701.503. As used in sections 3701.504 to 3701.509 of 11102
the Revised Code: 11103

(A) "Parent" means either parent, unless the parents are 11104
separated or divorced or their marriage has been dissolved or 11105
annulled, in which case "parent" means the parent or legal 11106
custodian who is the residential-designated parent and legal 11107
custodian. 11108

(B) "Guardian" has the same meaning as in section 2111.01 11109

of the Revised Code. 11110

(C) "Custodian" means, except as used in division (A) of 11111
this section, a government agency or an individual, other than 11112
the parent or guardian, with legal or permanent custody of a 11113
child as defined in section 2151.011 of the Revised Code. 11114

(D) "Hearing screening" means the identification of 11115
newborns and infants who may have a hearing impairment, through 11116
the use of a physiologic test. 11117

(E) "Hearing evaluation" means evaluation through the use 11118
of audiological procedures by an audiologist or physician. 11119

(F) "Hearing impairment" means a loss of hearing in one or 11120
both ears in the frequency region important for speech 11121
recognition and comprehension. 11122

(G) "Newborn" means a child who is less than thirty days 11123
old. 11124

(H) "Infant" means a child who is at least thirty days but 11125
less than twenty-four months old. 11126

(I) "Freestanding birthing center" means any facility in 11127
which deliveries routinely occur, regardless of whether the 11128
facility is located on the campus of another health care 11129
facility. 11130

(J) "Physician" means an individual authorized under 11131
Chapter 4731. of the Revised Code to practice medicine and 11132
surgery or osteopathic medicine and surgery. 11133

(K) "Audiologist" means an individual authorized under 11134
section 4753.07 of the Revised Code to practice audiology. 11135

(L) "Hospital" means a hospital that has a maternity unit 11136

or newborn nursery. 11137

(M) "Maternity unit" means any unit or place in a hospital 11138
where women are regularly received and provided care during all 11139
or part of the maternity cycle, except that "maternity unit" 11140
does not include an emergency department or similar place 11141
dedicated to providing emergency health care. 11142

(N) "Board of health" means the board of health of a city 11143
or general health district or the authority having the duties of 11144
a board of health under section 3709.05 of the Revised Code. 11145

Sec. 3780.33. Liabilities and immunities. 11146

(A) The holder of a license, as defined in section 4776.01 of 11147
the Revised Code, or other license, certification, or 11148
registration issued by any professional board in the state of 11149
Ohio, or pursuant to section 2923.125 of the Revised Code, are 11150
not subject to disciplinary action solely for engaging in 11151
professional or occupational activities related to adult use 11152
cannabis in accordance with this chapter, for owning or 11153
providing professional assistance to prospective or licensed 11154
adult use operators, adult use testing laboratories or to other 11155
individuals for activity in accordance with this chapter, or for 11156
obtaining, possessing, transporting, or using adult use cannabis 11157
in accordance with this chapter. 11158

(B) Unless there is clear and convincing evidence that a child 11159
is unsafe, the use, possession, or administration of adult use 11160
cannabis in accordance with this chapter shall not be the sole 11161
or primary basis for ~~any~~ either of the following: 11162

(1) An adjudication under section 2151.28 of the Revised Code 11163
determining that a child is an abused, neglected, or dependent 11164
child; 11165

(2) An allocation of ~~parental rights and parenting~~ responsibilities under ~~section~~ sections 3109.04 to 3109.0498 or 3109.12 of the Revised Code; ~~or~~ 11166
11167
11168

~~(3) A parenting time order under section 3109.051 or 3109.12 of the Revised Code.--~~ 11169
11170

(C) Notwithstanding any conflicting provision of the Revised 11171
Code, the use or possession of adult use cannabis in accordance 11172
with this chapter shall not be used as a reason for 11173
disqualifying an individual from medical care or from including 11174
an individual on a transplant waiting list. 11175

(D) Notwithstanding any conflicting provision of the Revised 11176
Code, the use, possession, administration, cultivation, 11177
processing, testing, dispensing, transporting, sale, delivery, 11178
or transferring of adult use cannabis in accordance with this 11179
chapter shall not be used as the sole or primary reason for 11180
taking action under any criminal or civil statute. 11181

(E) Notwithstanding any conflicting provision of the Revised 11182
Code, when an adult use consumer engages in activities related 11183
to adult use cannabis in compliance with this chapter, such 11184
activities alone do not constitute sufficient basis for 11185
conducting a field sobriety test on the individual or for 11186
suspending the individual's driver's license. To conduct any 11187
field sobriety test, a law enforcement officer must have an 11188
independent, factual basis giving reasonable suspicion that the 11189
individual is operating a vehicle under the influence of adult 11190
use cannabis or with a prohibited concentration of marijuana in 11191
the person's whole blood, blood serum, plasma, breath, or urine. 11192

(F) Notwithstanding any conflicting provision of the Revised 11193
Code, an individual's status as an adult use consumer shall not 11194

be used as the sole or primary basis for rejecting the 11195
individual as a tenant unless the rejection is required by 11196
federal law. Notwithstanding this division, a landlord may 11197
prohibit the consumption of cannabis by combustion so long as 11198
such prohibition is included in the applicable lease agreement. 11199

(G) Notwithstanding any conflicting provision of the Revised 11200
Code, the use or possession of adult use cannabis in accordance 11201
with this chapter shall not be used as a reason for 11202
disqualifying an individual from a public benefit program 11203
administered by any state or local authority, or for otherwise 11204
denying an individual a public benefit administered by the state 11205
or any locality. 11206

(H) This chapter does not do any of the following: 11207

(1) Permit the use, possession, cultivation, processing, 11208
dispensing, or transportation of adult use cannabis other than 11209
as authorized by this chapter; 11210

(2) Permit the cultivation, processing, and dispensing of adult 11211
use cannabis by any person unless licensed as an adult use 11212
cannabis operator by the division of cannabis control except as 11213
authorized under this chapter; 11214

(3) Permit the use, cultivation, dispensing, or processing of 11215
adult use cannabis on federal, state, or locally owned land 11216
located in the state of Ohio; 11217

(4) Require any public place to accommodate an individual's use 11218
of adult use cannabis; 11219

(5) Prohibit any public place from accommodating an individual's 11220
use of adult use cannabis; or 11221

(6) Restrict research related to cannabis at a state university, 11222

academic medical center, or private research and development 11223
organization as part of a research protocol approved by an 11224
institutional review board or equivalent entity. 11225

(I) It is the public policy of the state of Ohio that contracts 11226
related to adult use cannabis operators and adult use cannabis 11227
testing laboratories are enforceable. 11228

Sec. 3796.24. (A) The holder of a license, as defined in 11229
section 4776.01 of the Revised Code, is not subject to 11230
professional disciplinary action solely for engaging in 11231
professional or occupational activities related to medical 11232
marijuana. 11233

(B) Unless there is clear and convincing evidence that a 11234
child is unsafe, the use, possession, or administration of 11235
medical marijuana in accordance with this chapter shall not be 11236
the sole or primary basis for any of the following: 11237

(1) An adjudication under section 2151.28 of the Revised 11238
Code determining that a child is an abused, neglected, or 11239
dependent child; 11240

(2) An allocation of ~~parental rights and parenting~~ 11241
responsibilities under ~~section 3109.04~~ sections 3109.04 to 11242
3109.0498 of the Revised Code; 11243

~~(3) A parenting time order under section 3109.051 or~~ 11244
~~3109.12 of the Revised Code.~~ 11245

(C) Notwithstanding any conflicting provision of the 11246
Revised Code, the use or possession of medical marijuana in 11247
accordance with this chapter shall not be used as a reason for 11248
disqualifying a patient from medical care or from including a 11249
patient on a transplant waiting list. 11250

(D) Notwithstanding any conflicting provision of the 11251
Revised Code, the use, possession, administration, cultivation, 11252
processing, testing, or dispensing of medical marijuana in 11253
accordance with this chapter shall not be used as the sole or 11254
primary reason for taking action under any criminal or civil 11255
statute in the forfeiture or seizure of any property or asset. 11256

(E) Notwithstanding any conflicting provision of the 11257
Revised Code, a person's status as a registered patient or 11258
caregiver is not a sufficient basis for conducting a field 11259
sobriety test on the person or for suspending the person's 11260
driver's license. To conduct any field sobriety test, a law 11261
enforcement officer must have an independent, factual basis 11262
giving reasonable suspicion that the person is operating a 11263
vehicle under the influence of marijuana or with a prohibited 11264
concentration of marijuana in the person's whole blood, blood 11265
serum, plasma, breath, or urine. 11266

(F) Notwithstanding any conflicting provision of the 11267
Revised Code, a person's status as a registered patient or 11268
caregiver shall not be used as the sole or primary basis for 11269
rejecting the person as a tenant unless the rejection is 11270
required by federal law. 11271

(G) This chapter does not do any of the following: 11272

(1) Require a physician to recommend that a patient use 11273
medical marijuana to treat a qualifying medical condition; 11274

(2) Permit the use, possession, or administration of 11275
medical marijuana other than as authorized by this chapter; 11276

(3) Permit the use, possession, or administration of 11277
medical marijuana on federal land located in this state; 11278

(4) Require any public place to accommodate a registered 11279

patient's use of medical marijuana; 11280

(5) Prohibit any public place from accommodating a 11281
registered patient's use of medical marijuana; 11282

(6) Restrict research related to marijuana conducted at a 11283
state university, academic medical center, or private research 11284
and development organization as part of a research protocol 11285
approved by an institutional review board or equivalent entity. 11286

Sec. 3902.13. (A) A plan of health coverage determines its 11287
order of benefits using the first of the following that applies: 11288

(1) A plan that does not coordinate with other plans is 11289
always the primary plan. 11290

(2) The benefits of the plan that covers a person as an 11291
employee, member, insured, or subscriber, other than a 11292
dependent, is the primary plan. The plan that covers the person 11293
as a dependent is the secondary plan. 11294

(3) When more than one plan covers the same child as a 11295
dependent of different parents who are not divorced or 11296
separated, the primary plan is the plan of the parent whose 11297
birthday falls earlier in the year. The secondary plan is the 11298
plan of the parent whose birthday falls later in the year. If 11299
both parents have the same birthday, the benefits of the plan 11300
that covered the parent the longer is the primary plan. The plan 11301
that covered the parent the shorter time is the secondary plan. 11302
If the other plan's provision for coordination of benefits does 11303
not include the rule contained in this division because it is 11304
not subject to regulation under this division, but instead has a 11305
rule based on the gender of the parent, and if, as a result, the 11306
plans do not agree on the order of benefits, the rule of the 11307
other plan will determine the order of benefits. 11308

(4) (a) Except as provided in division (A) (4) (b) of this section, if more than one plan covers a person as a dependent child of divorced or separated parents, benefits for the child are determined in the following order:

(i) The plan of the parent who is the ~~residential-~~
designated parent and legal custodian of the child;

(ii) The plan of the spouse of the parent who is the ~~residential-~~
designated parent and legal custodian of the child;

(iii) The plan of the parent who is not the ~~residential-~~
designated parent and legal custodian of the child.

(b) If the specific terms of a court decree state that one parent is responsible for the health care expenses of the child, the plan of that parent is the primary plan. A parent responsible for the health care pursuant to a court decree must notify the insurer or health insuring corporation of the terms of the decree.

(5) The primary plan is the plan that covers a person as an employee who is neither laid off or retired, or that employee's dependent. The secondary plan is the plan that covers that person as a laid-off or retired employee, or that employee's dependent.

(6) If none of the rules in divisions (A) (1), (2), (3), (4), and (5) of this section determines the order of benefits, the primary plan is the plan that covered an employee, member, insured, or subscriber longer. The secondary plan is the plan that covered that person the shorter time.

(B) When a plan of health coverage is determined to be a secondary plan it acts to provide benefits in excess of those provided by the primary plan.

(C) The secondary plan shall not be required to make 11338
payment in an amount which exceeds the amount it would have paid 11339
if it were the primary plan, but in no event, when combined with 11340
the amount paid by the primary plan, shall payments by the 11341
secondary plan exceed one hundred per cent of expenses allowable 11342
under the provisions of the applicable policies and contracts. 11343

(D) A third-party payer may require a beneficiary to file 11344
a claim with the primary plan before it determines the amount of 11345
its payment obligation, if any, with regard to that claim. 11346

(E) Nothing in this section shall be construed to require 11347
a plan to make a payment until it determines whether it is the 11348
primary plan or the secondary plan and what benefits are payable 11349
under the primary plan. 11350

(F) A plan may obtain any facts and information necessary 11351
to apply the provisions of this section, or supply this 11352
information to any other third-party payer or provider, or any 11353
agent of such third-party payer or provider, without the consent 11354
of the beneficiary. Each person claiming benefits under the plan 11355
shall provide any information necessary to apply the provisions 11356
of this section. 11357

(G) If the amount of payments made by any plan is more 11358
than should have been paid, the plan may recover the excess from 11359
whichever party received the excess payment. 11360

(H) No third-party payer shall administer a plan of health 11361
coverage delivered, issued for delivery, or renewed on or after 11362
June 29, 1988, unless such plan complies with this section. 11363

(I) (1) A third-party payer that is subject to this section 11364
and has reason to believe payment has been made by another 11365
third-party payer for the same service may request from that 11366

third-party payer, and shall be provided by the third-party 11367
payer, such data as necessary to determine whether duplicate 11368
payment has been made. 11369

(2) A third-party payer that meets the criteria of a 11370
secondary payer in accordance with this section may seek 11371
repayment of any duplicate payment that may have been made from 11372
the person to whom it made payment. If the person who received 11373
the duplicate payment is a provider, absent a finding of a court 11374
of competent jurisdiction that the provider has engaged in civil 11375
or criminal fraudulent activities, the request for the return of 11376
any duplicate payment shall be made within three years after the 11377
close of the provider's fiscal year in which the duplicate 11378
payment has been made. 11379

(J) Nothing in this section shall be construed to affect 11380
the prohibition of section 3923.37 of the Revised Code. 11381

(K) (1) No third-party payer shall knowingly fail to comply 11382
with the order of benefits as set forth in division (A) of this 11383
section. 11384

(2) No primary plan shall direct or encourage an insured 11385
to use the benefits of a secondary plan that results in a 11386
reduction of payment by such primary plan. 11387

(L) Whoever violates division (K) of this section is 11388
deemed to have engaged in an unfair and deceptive insurance act 11389
or practice under sections 3901.19 to 3901.26 of the Revised 11390
Code, and is subject to proceedings pursuant to those sections. 11391

Sec. 3924.47. If a child has health care coverage through 11392
a health insurer of a ~~noncustodial~~ parent who is not the 11393
designated parent and legal custodian, the health insurer shall 11394
do all of the following: 11395

(A) Provide such information to the ~~custodial-designated~~
parent and legal custodian of the child as may be necessary for
the child to obtain benefits through the coverage;

(B) Permit the ~~custodial-designated~~ parent and legal
custodian, or a provider with the approval of the ~~custodial-~~
~~designated parent and legal custodian~~, to submit claims for
covered services without the approval of the ~~noncustodial-parent~~
who is not the designated parent and legal custodian;

(C) Make payment on claims submitted in accordance with
division (B) of this section directly to the ~~custodial-~~
~~designated parent and legal custodian~~, the provider, or the
department of job and family services.

Sec. 5104.017. The director of children and youth shall
adopt rules pursuant to Chapter 119. of the Revised Code
governing the operation of type A family child care homes,
including parent cooperative type A homes, part-time type A
homes, and drop-in type A homes. The rules shall reflect the
various forms of child care and the needs of children receiving
child care. The rules shall include the following:

(A) Submission of a site plan and descriptive plan of
operation to demonstrate how the type A home proposes to meet
the requirements of this chapter and rules adopted pursuant to
this chapter for the initial license application;

(B) Standards for ensuring that the physical surroundings
of the type A home are safe and sanitary, including the physical
environment, the physical plant, and the equipment of the type A
home;

(C) Standards for the supervision, care, and discipline of
children receiving child care or publicly funded child care in

the type A home; 11425

(D) Standards for a program of activities, and for play 11426
equipment, materials, and supplies, to enhance the development 11427
of each child; however, any educational curricula, philosophies, 11428
and methodologies that are developmentally appropriate and that 11429
enhance the social, emotional, intellectual, and physical 11430
development of each child shall be permissible; 11431

(E) Admissions policies and procedures; 11432

(F) Health care policies and procedures, including 11433
procedures for the isolation of children with communicable 11434
diseases; 11435

(G) First aid and emergency procedures; 11436

(H) Procedures for discipline and supervision of children; 11437

(I) Standards for the provision of nutritious meals and 11438
snacks; 11439

(J) Procedures for screening children, including any 11440
necessary physical examinations and the immunizations required 11441
pursuant to section 5104.014 of the Revised Code; 11442

(K) Procedures for screening employees, including any 11443
necessary physical examinations and immunizations; 11444

(L) Methods for encouraging parental participation in the 11445
type A home and methods for ensuring that the rights of 11446
children, parents, and employees are protected and that the 11447
responsibilities of parents and employees are met; 11448

(M) Procedures for ensuring the safety and adequate 11449
supervision of children traveling off the premises of the type A 11450
home while under the care of a type A home employee; 11451

(N) Procedures for record keeping, organization, and	11452
administration;	11453
(O) Procedures for issuing, denying, and revoking a	11454
license that are not otherwise provided for in Chapter 119. of	11455
the Revised Code;	11456
(P) Inspection procedures;	11457
(Q) Procedures and standards for setting initial license	11458
application fees;	11459
(R) Procedures for receiving, recording, and responding to	11460
complaints about type A homes;	11461
(S) Procedures for enforcing section 5104.04 of the	11462
Revised Code;	11463
(T) A standard requiring the inclusion of a current	11464
department of children and youth toll-free telephone number on	11465
each type A home license that any person may use to report a	11466
suspected violation by the type A home of this chapter or rules	11467
adopted pursuant to this chapter;	11468
(U) Requirements for the training of administrators and	11469
child care staff members in first aid, in prevention,	11470
recognition, and management of communicable diseases, and in	11471
child abuse recognition and prevention;	11472
(V) Standards providing for the needs of children who have	11473
disabilities or who require treatment for health conditions	11474
while the child is receiving child care or publicly funded child	11475
care in the type A home;	11476
(W) Standards for the maximum number of children per child	11477
care staff member;	11478

(X) Requirements for the amount of usable indoor floor space for each child;	11479 11480
(Y) Requirements for safe outdoor play space;	11481
(Z) Qualifications and training requirements for administrators and for child care staff members, which shall not include requiring an administrator or child care staff member to hold or obtain a bachelor's, master's, or doctoral degree;	11482 11483 11484 11485
(AA) Procedures for granting a parent <u>or legal custodian</u> who is the residential-designated parent and legal custodian, or a <u>legal</u> custodian or guardian access to the type A home during its hours of operation;	11486 11487 11488 11489
(BB) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	11490 11491 11492
(CC) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	11493 11494
Sec. 5104.018. The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family child care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family child care home and shall include all of the following:	11495 11496 11497 11498 11499 11500 11501
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	11502 11503 11504 11505
(B) Standards for ensuring that the type B home and the	11506

physical surroundings of the type B home are safe and sanitary,	11507
including physical environment, physical plant, and equipment;	11508
(C) Standards for the supervision, care, and discipline of	11509
children receiving child care or publicly funded child care in	11510
the home;	11511
(D) Standards for a program of activities, and for play	11512
equipment, materials, and supplies to enhance the development of	11513
each child; however, any educational curricula, philosophies,	11514
and methodologies that are developmentally appropriate and that	11515
enhance the social, emotional, intellectual, and physical	11516
development of each child shall be permissible;	11517
(E) Admission policies and procedures;	11518
(F) Health care, first aid and emergency procedures;	11519
(G) Procedures for the care of sick children;	11520
(H) Procedures for discipline and supervision of children;	11521
(I) Nutritional standards;	11522
(J) Procedures for screening children, including any	11523
necessary physical examinations and the immunizations required	11524
pursuant to section 5104.014 of the Revised Code;	11525
(K) Procedures for screening administrators and employees,	11526
including any necessary physical examinations and immunizations;	11527
(L) Methods of encouraging parental participation and	11528
ensuring that the rights of children, parents, and	11529
administrators are protected and the responsibilities of parents	11530
and administrators are met;	11531
(M) Standards for the safe transport of children when	11532
under the care of administrators;	11533

(N) Procedures for issuing, denying, or revoking licenses;	11534
(O) Procedures for the inspection of type B homes that	11535
require, at a minimum, that each type B home be inspected prior	11536
to licensure to ensure that the home is safe and sanitary;	11537
(P) Procedures for record keeping and evaluation;	11538
(Q) Procedures for receiving, recording, and responding to	11539
complaints;	11540
(R) Standards providing for the needs of children who have	11541
disabilities or who receive treatment for health conditions	11542
while the child is receiving child care or publicly funded child	11543
care in the type B home;	11544
(S) Requirements for the amount of usable indoor floor	11545
space for each child;	11546
(T) Requirements for safe outdoor play space;	11547
(U) Qualification and training requirements for	11548
administrators and employees, which shall not include requiring	11549
an administrator or employee to hold or obtain a bachelor's,	11550
master's, or doctoral degree;	11551
(V) Procedures for granting a parent who is the	11552
residential-designated parent and legal custodian, or a <u>legal</u>	11553
custodian or guardian access to the type B home during its hours	11554
of operation;	11555
(W) Requirements for the type B home to notify parents	11556
with children in the type B home that the type B home is	11557
certified as a foster home under section 5103.03 of the Revised	11558
Code;	11559
(X) Minimum requirements for instructional time for type B	11560

homes rated through the step up to quality program established 11561
pursuant to section 5104.29 of the Revised Code; 11562

(Y) Any other procedures and standards necessary to carry 11563
out the provisions of this chapter regarding licensure of type B 11564
homes. 11565

Sec. 5104.039. (A) Any parent ~~who is the residential~~ 11566
~~parent and or~~ legal custodian of a child enrolled in a child 11567
care center and any custodian or guardian of such a child shall 11568
be permitted unlimited access to the center during its hours of 11569
operation for the purposes of contacting their children, 11570
evaluating the care provided by the center, evaluating the 11571
premises of the center, or for other purposes approved by the 11572
director. ~~A parent of a child enrolled in a child care center~~ 11573
~~who is not the child's residential parent shall be permitted~~ 11574
~~unlimited access to the center during its hours of operation for~~ 11575
~~those purposes under the same terms and conditions under which~~ 11576
~~the residential parent of that child is permitted access to the~~ 11577
~~center for those purposes.~~ However, the access of the a parent 11578
~~who is not the residential parent or legal custodian~~ is subject 11579
to any agreement between the parents or legal custodian and, to 11580
the extent described in division (B) of this section, is subject 11581
to any terms and conditions limiting the right of access of the 11582
parent ~~who is not the residential parent or legal custodian~~, as 11583
described in ~~division (I) of section 3109.051~~ sections 3109.0521 11584
to 3109.0524 of the Revised Code, that are contained in a 11585
~~parenting time order or decree issued under that~~ 11586
~~section~~ parenting plan under section 3109.044 of the Revised 11587
Code, section 3109.12 of the Revised Code, or any other 11588
provision of the Revised Code. 11589

(B) If a parent ~~who is the residential parent or legal~~ 11590

custodian of a child has presented the administrator or the 11591
administrator's designee with a copy of a parenting ~~time order~~ 11592
plan that limits the terms and conditions under which the other 11593
parent ~~who is not the residential parent or~~ legal custodian is 11594
to have access to the center, as described in ~~division (I) of~~ 11595
~~section 3109.051~~ sections 3109.0521 to 3109.0524 of the Revised 11596
Code, the parent ~~who is not the residential parent or~~ legal 11597
custodian shall be provided access to the center only to the 11598
extent authorized in the order. If the ~~residential parent or~~ 11599
legal custodian has presented such an order, the other parent 11600
~~who is not the residential parent or~~ legal custodian shall be 11601
permitted access to the center only in accordance with the most 11602
recent order that has been presented to the administrator or the 11603
administrator's designee by the ~~residential parent or the parent~~ 11604
~~who is not the residential parent~~ legal custodian. 11605

(C) Upon entering the premises pursuant to division (A) or 11606
(B) of this section, the parent ~~who is the residential parent~~ 11607
~~and or~~ legal custodian, ~~the parent who is not the residential~~ 11608
~~parent,~~ or the custodian or guardian shall notify the 11609
administrator or the administrator's designee of the parent's, 11610
custodian's, or guardian's presence. 11611

Sec. 5107.02. As used in this chapter: 11612

(A) "Adult" means an individual who is not a minor child. 11613

(B) "Assistance group" means a group of individuals 11614
treated as a unit for purposes of determining eligibility for 11615
and the amount of assistance provided under Ohio works first. 11616

(C) "Custodian" means an individual who has legal custody, 11617
as defined in section 2151.011 of the Revised Code, of a minor 11618
child or comparable status over a minor child created by a court 11619

of competent jurisdiction in another state. 11620

(D) "Domestic violence" means being subjected to any of 11621
the following: 11622

(1) Physical acts that resulted in, or threatened to 11623
result in, physical injury to the individual; 11624

(2) Sexual abuse; 11625

(3) Sexual activity involving a dependent child; 11626

(4) Being forced as the caretaker relative of a dependent 11627
child to engage in nonconsensual sexual acts or activities; 11628

(5) Threats of, or attempts at, physical or sexual abuse; 11629

(6) Mental abuse; 11630

(7) Neglect or deprivation of medical care. 11631

(E) "Guardian" means an individual that is granted 11632
authority by a probate court pursuant to Chapter 2111. of the 11633
Revised Code, or a court of competent jurisdiction in another 11634
state, to exercise ~~parental rights~~ parenting responsibilities 11635
over a minor child to the extent provided in the court's order 11636
and subject to residual parental rights of the minor child's 11637
parents. 11638

(F) "LEAP program" means the learning, earning, and 11639
parenting program conducted under section 5107.30 of the Revised 11640
Code. 11641

(G) "Minor child" means either of the following: 11642

(1) An individual who has not attained age eighteen; 11643

(2) An individual who has not attained age nineteen and is 11644
a full-time student in a secondary school or in the equivalent 11645

level of vocational or technical training. 11646

(H) "Minor head of household" means a minor child who is 11647
either of the following: 11648

(1) Is married, pregnant, and a member of an assistance 11649
group that does not include an adult; 11650

(2) Is married and is a parent of a child included in the 11651
same assistance group that does not include an adult. 11652

(I) "Ohio works first" means the program established by 11653
this chapter known as temporary assistance for needy families in 11654
Title IV-A. 11655

(J) "Payment standard" means the amount specified in rules 11656
adopted under section 5107.05 of the Revised Code that is the 11657
maximum amount of cash assistance an assistance group may 11658
receive under Ohio works first from state and federal funds. 11659

(K) "Specified relative" means the following individuals 11660
who are age eighteen or older: 11661

(1) The following individuals related by blood or 11662
adoption: 11663

(a) Grandparents, including grandparents with the prefix 11664
"great," "great-great," or "great-great-great"; 11665

(b) Siblings; 11666

(c) Aunts, uncles, nephews, and nieces, including such 11667
relatives with the prefix "great," "great-great," "grand," or 11668
"great-grand"; 11669

(d) First cousins and first cousins once removed. 11670

(2) Stepparents and stepsiblings; 11671

(3) Spouses and former spouses of individuals named in 11672
division (K)(1) or (2) of this section. 11673

(L) "Title IV-A" or "Title IV-D" means Title IV-A or Title 11674
IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 11675
U.S.C. 301, as amended. 11676

Sec. 5120.652. To participate in the prison nursery 11677
program, each eligible inmate selected by the department shall 11678
do all the following: 11679

(A) Agree in writing to do all the following: 11680

(1) Comply with any program, educational, counseling, and 11681
other requirements established for the program by the department 11682
of rehabilitation and correction; 11683

(2) If eligible, have the child participate in the 11684
medicaid program or a health insurance program; 11685

(3) Accept the normal risks of childrearing; 11686

(4) Abide by any court decisions regarding the allocation 11687
of ~~parental rights and parenting responsibilities with respect~~ 11688
~~to the child.~~ 11689

(B) Assign to the department any rights to support from 11690
any other person, excluding support assigned pursuant to section 11691
5107.20 of the Revised Code and medical support assigned 11692
pursuant to section 5160.38 of the Revised Code; 11693

(C) Specify with whom the child is to be placed in the 11694
event the inmate's participation in the program is terminated 11695
for a reason other than release from imprisonment. 11696

Sec. 5120.653. An inmate's participation in the prison 11697
nursery program may be terminated by the department of 11698

rehabilitation and correction if one of the following occurs: 11699

(A) The inmate fails to comply with the agreement entered 11700
into under division (A) of section 5120.652 of the Revised Code. 11701

(B) The inmate's child becomes seriously ill, cannot meet 11702
medical criteria established by the department of rehabilitation 11703
and correction for the program, or otherwise cannot safely 11704
participate in the program. 11705

(C) A court issues an order that designates a person other 11706
than the inmate as the child's ~~residential-designated~~ parent and 11707
legal custodian. 11708

(D) A juvenile court, in an action brought pursuant to 11709
division (A)(2) of section 2151.23 of the Revised Code, grants 11710
custody of the child to a person other than the inmate. 11711

(E) An order ~~is~~ was issued pursuant to section 3109.04 of 11712
the Revised Code, as that section existed prior to the amendment 11713
of this section, granting shared parenting of the child or an 11714
allocation of parenting responsibilities is issued under 11715
sections 3109.04 to 3109.0498 of the Revised Code. 11716

(F) An order of disposition regarding the child is issued 11717
pursuant to division (A)(2), (3), or (4) of section 2151.353 of 11718
the Revised Code granting temporary, permanent, or legal custody 11719
of the child to a person, other than the inmate, or to a public 11720
children services agency or private child placing agency. 11721

(G) The inmate is released from imprisonment. 11722

Sec. 5123.01. As used in this chapter: 11723

(A) "Chief medical officer" means the licensed physician 11724
appointed by the managing officer of an institution for persons 11725
with intellectual disabilities with the approval of the director 11726

of developmental disabilities to provide medical treatment for 11727
residents of the institution. 11728

(B) "Chief program director" means a person with special 11729
training and experience in the diagnosis and management of 11730
persons with developmental disabilities, certified according to 11731
division (C) of this section in at least one of the designated 11732
fields, and appointed by the managing officer of an institution 11733
for persons with intellectual disabilities with the approval of 11734
the director to provide habilitation and care for residents of 11735
the institution. 11736

(C) "Comprehensive evaluation" means a study, including a 11737
sequence of observations and examinations, of a person leading 11738
to conclusions and recommendations formulated jointly, with 11739
dissenting opinions if any, by a group of persons with special 11740
training and experience in the diagnosis and management of 11741
persons with developmental disabilities, which group shall 11742
include individuals who are professionally qualified in the 11743
fields of medicine, psychology, and social work, together with 11744
such other specialists as the individual case may require. 11745

(D) "Education" means the process of formal training and 11746
instruction to facilitate the intellectual and emotional 11747
development of residents. 11748

(E) "Habilitation" means the process by which the staff of 11749
the institution assists the resident in acquiring and 11750
maintaining those life skills that enable the resident to cope 11751
more effectively with the demands of the resident's own person 11752
and of the resident's environment and in raising the level of 11753
the resident's physical, mental, social, and vocational 11754
efficiency. Habilitation includes but is not limited to programs 11755
of formal, structured education and training. 11756

(F) "Health officer" means any public health physician, 11757
public health nurse, or other person authorized or designated by 11758
a city or general health district. 11759

(G) "Home and community-based services" means medicaid- 11760
funded home and community-based services specified in division 11761
(A) (1) of section 5166.20 of the Revised Code provided under the 11762
medicaid waiver components the department of developmental 11763
disabilities administers pursuant to section 5166.21 of the 11764
Revised Code. Except as provided in section 5123.0412 of the 11765
Revised Code, home and community-based services provided under 11766
the medicaid waiver component known as the transitions 11767
developmental disabilities waiver are to be considered to be 11768
home and community-based services for the purposes of this 11769
chapter, and Chapters 5124. and 5126. of the Revised Code, only 11770
to the extent, if any, provided by the contract required by 11771
section 5166.21 of the Revised Code regarding the waiver. 11772

(H) "ICF/IID" and "ICF/IID services" have the same 11773
meanings as in section 5124.01 of the Revised Code. 11774

(I) "Indigent person" means a person who is unable, 11775
without substantial financial hardship, to provide for the 11776
payment of an attorney and for other necessary expenses of legal 11777
representation, including expert testimony. 11778

(J) "Institution" means a public or private facility, or a 11779
part of a public or private facility, that is licensed by the 11780
appropriate state department and is equipped to provide 11781
residential habilitation, care, and treatment for persons with 11782
intellectual disabilities. 11783

(K) "Licensed physician" means a person who holds a valid 11784
license issued under Chapter 4731. of the Revised Code 11785

authorizing the person to practice medicine and surgery or 11786
osteopathic medicine and surgery, or a medical officer of the 11787
government of the United States while in the performance of the 11788
officer's official duties. 11789

(L) "Managing officer" means a person who is appointed by 11790
the director of developmental disabilities to be in executive 11791
control of an institution under the jurisdiction of the 11792
department of developmental disabilities. 11793

(M) "Medicaid case management services" means case 11794
management services provided to an individual with a 11795
developmental disability that the state medicaid plan requires. 11796

(N) "Intellectual disability" means a disability 11797
characterized by having significantly subaverage general 11798
intellectual functioning existing concurrently with deficiencies 11799
in adaptive behavior, manifested during the developmental 11800
period. 11801

(O) "Person with an intellectual disability subject to 11802
institutionalization by court order" means a person eighteen 11803
years of age or older with at least a moderate level of 11804
intellectual disability and in relation to whom, because of the 11805
person's disability, either of the following conditions exists: 11806

(1) The person represents a very substantial risk of 11807
physical impairment or injury to self as manifested by evidence 11808
that the person is unable to provide for and is not providing 11809
for the person's most basic physical needs and that provision 11810
for those needs is not available in the community; 11811

(2) The person needs and is susceptible to significant 11812
habilitation in an institution. 11813

(P) "Moderate level of intellectual disability" means the 11814

condition in which a person, following a comprehensive 11815
evaluation, is found to have at least moderate deficits in 11816
overall intellectual functioning, as indicated by a full-scale 11817
intelligence quotient test score of fifty-five or below, and at 11818
least moderate deficits in adaptive behavior, as determined in 11819
accordance with the criteria established in the fifth edition of 11820
the diagnostic and statistical manual of mental disorders 11821
published by the American psychiatric association. 11822

(Q) "Developmental disability" means a severe, chronic 11823
disability that is characterized by all of the following: 11824

(1) It is attributable to a mental or physical impairment 11825
or a combination of mental and physical impairments, other than 11826
a mental or physical impairment solely caused by mental illness, 11827
as defined in division (A) of section 5122.01 of the Revised 11828
Code. 11829

(2) It is manifested before age twenty-two. 11830

(3) It is likely to continue indefinitely. 11831

(4) It results in one of the following: 11832

(a) In the case of a person under three years of age, at 11833
least one developmental delay, as defined in rules adopted under 11834
section 5123.011 of the Revised Code, or a diagnosed physical or 11835
mental condition that has a high probability of resulting in a 11836
developmental delay, as defined in those rules; 11837

(b) In the case of a person at least three years of age 11838
but under six years of age, at least two developmental delays, 11839
as defined in rules adopted under section 5123.011 of the 11840
Revised Code; 11841

(c) In the case of a person six years of age or older, a 11842

substantial functional limitation in at least three of the 11843
following areas of major life activity, as appropriate for the 11844
person's age: self-care, receptive and expressive language, 11845
learning, mobility, self-direction, capacity for independent 11846
living, and, if the person is at least sixteen years of age, 11847
capacity for economic self-sufficiency. 11848

(5) It causes the person to need a combination and 11849
sequence of special, interdisciplinary, or other type of care, 11850
treatment, or provision of services for an extended period of 11851
time that is individually planned and coordinated for the 11852
person. 11853

"Developmental disability" includes intellectual 11854
disability. 11855

(R) "State institution" means an institution that is tax- 11856
supported and under the jurisdiction of the department of 11857
developmental disabilities. 11858

(S) "Residence" and "legal residence" have the same 11859
meaning as "legal settlement," which is acquired by residing in 11860
Ohio for a period of one year without receiving general 11861
assistance prior to July 17, 1995, under former Chapter 5113. of 11862
the Revised Code, without receiving financial assistance prior 11863
to December 31, 2017, under former Chapter 5115. of the Revised 11864
Code, or assistance from a private agency that maintains records 11865
of assistance given. A person having a legal settlement in the 11866
state shall be considered as having legal settlement in the 11867
assistance area in which the person resides. No adult person 11868
coming into this state and having a spouse or minor children 11869
residing in another state shall obtain a legal settlement in 11870
this state as long as the spouse or minor children are receiving 11871
public assistance, care, or support at the expense of the other 11872

state or its subdivisions. For the purpose of determining the 11873
legal settlement of a person who is living in a public or 11874
private institution or in a home subject to licensing by the 11875
department of job and family services, the department of mental 11876
health and addiction services, or the department of 11877
developmental disabilities, the residence of the person shall be 11878
considered as though the person were residing in the county in 11879
which the person was living prior to the person's entrance into 11880
the institution or home. Settlement once acquired shall continue 11881
until a person has been continuously absent from Ohio for a 11882
period of one year or has acquired a legal residence in another 11883
state. A woman who marries a man with legal settlement in any 11884
county immediately acquires the settlement of her husband. The 11885
legal settlement of a minor is that of the parents, surviving 11886
parent, sole parent, parent who is designated the ~~residential-~~ 11887
designated parent and legal custodian by a court, other adult 11888
having permanent custody awarded by a court, or guardian of the 11889
person of the minor, provided that: 11890

(1) A minor female who marries shall be considered to have 11891
the legal settlement of her husband and, in the case of death of 11892
her husband or divorce, she shall not thereby lose her legal 11893
settlement obtained by the marriage. 11894

(2) A minor male who marries, establishes a home, and who 11895
has resided in this state for one year without receiving general 11896
assistance prior to July 17, 1995, under former Chapter 5113. of 11897
the Revised Code or assistance from a private agency that 11898
maintains records of assistance given shall be considered to 11899
have obtained a legal settlement in this state. 11900

(3) The legal settlement of a child under eighteen years 11901
of age who is in the care or custody of a public or private 11902

child caring agency shall not change if the legal settlement of 11903
the parent changes until after the child has been in the home of 11904
the parent for a period of one year. 11905

No person, adult or minor, may establish a legal 11906
settlement in this state for the purpose of gaining admission to 11907
any state institution. 11908

(T) (1) "Resident" means, subject to division (T) (2) of 11909
this section, a person who is admitted either voluntarily or 11910
involuntarily to an institution or other facility pursuant to 11911
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 11912
Code subsequent to a finding of not guilty by reason of insanity 11913
or incompetence to stand trial or under this chapter who is 11914
under observation or receiving habilitation and care in an 11915
institution. 11916

(2) "Resident" does not include a person admitted to an 11917
institution or other facility under section 2945.39, 2945.40, 11918
2945.401, or 2945.402 of the Revised Code to the extent that the 11919
reference in this chapter to resident, or the context in which 11920
the reference occurs, is in conflict with any provision of 11921
sections 2945.37 to 2945.402 of the Revised Code. 11922

(U) "Respondent" means the person whose detention, 11923
commitment, or continued commitment is being sought in any 11924
proceeding under this chapter. 11925

(V) "Working day" and "court day" mean Monday, Tuesday, 11926
Wednesday, Thursday, and Friday, except when such day is a legal 11927
holiday. 11928

(W) "Prosecutor" means the prosecuting attorney, village 11929
solicitor, city director of law, or similar chief legal officer 11930
who prosecuted a criminal case in which a person was found not 11931

guilty by reason of insanity, who would have had the authority 11932
to prosecute a criminal case against a person if the person had 11933
not been found incompetent to stand trial, or who prosecuted a 11934
case in which a person was found guilty. 11935

(X) "Court" means the probate division of the court of 11936
common pleas. 11937

(Y) "Supported living" and "residential services" have the 11938
same meanings as in section 5126.01 of the Revised Code. 11939

Sec. 5153.16. (A) Except as provided in section 2151.422 11940
of the Revised Code, in accordance with rules adopted under 11941
section 5153.166 of the Revised Code, and on behalf of children 11942
in the county whom the public children services agency considers 11943
to be in need of public care or protective services, the public 11944
children services agency shall do all of the following: 11945

(1) Make an investigation concerning any child alleged to 11946
be an abused, neglected, or dependent child; 11947

(2) Enter into agreements with the parent, guardian, or 11948
other person having legal custody of any child, or with the 11949
department of children and youth, department of mental health 11950
and addiction services, department of developmental 11951
disabilities, other department, any certified organization 11952
within or outside the county, or any agency or institution 11953
outside the state, having legal custody of any child, with 11954
respect to the custody, care, or placement of any child, or with 11955
respect to any matter, in the interests of the child, provided 11956
the permanent custody of a child shall not be transferred by a 11957
parent to the public children services agency without the 11958
consent of the juvenile court; 11959

(3) Enter into a contract with an agency providing 11960

prevention services in an effort to prevent neglect or abuse, to 11961
enhance a child's welfare, and to preserve the family unit 11962
intact. 11963

(4) Accept custody of children committed to the public 11964
children services agency by a court exercising juvenile 11965
jurisdiction; 11966

(5) Provide such care as the public children services 11967
agency considers to be in the best interests of any child 11968
adjudicated to be an abused, neglected, or dependent child the 11969
agency finds to be in need of public care or service; 11970

(6) Provide social services to any unmarried girl 11971
adjudicated to be an abused, neglected, or dependent child who 11972
is pregnant with or has been delivered of a child; 11973

(7) Make available to the children with medical handicaps 11974
program of the department of health at its request any 11975
information concerning a child with a disability found to be in 11976
need of treatment under sections 3701.021 to 3701.028 of the 11977
Revised Code who is receiving services from the public children 11978
services agency; 11979

(8) Provide temporary emergency care for any child 11980
considered by the public children services agency to be in need 11981
of such care, without agreement or commitment; 11982

(9) Find certified foster homes, within or outside the 11983
county, for the care of children, including children with 11984
disabilities from other counties attending special schools in 11985
the county; 11986

(10) Subject to the approval of the board of county 11987
commissioners and the department of children and youth, 11988
establish and operate a training school or enter into an 11989

agreement with any municipal corporation or other political 11990
subdivision of the county respecting the operation, acquisition, 11991
or maintenance of any children's home, training school, or other 11992
institution for the care of children maintained by such 11993
municipal corporation or political subdivision; 11994

(11) Acquire and operate a county children's home, 11995
establish, maintain, and operate a receiving home for the 11996
temporary care of children, or procure certified foster homes 11997
for this purpose; 11998

(12) Enter into an agreement with the trustees of any 11999
district children's home, respecting the operation of the 12000
district children's home in cooperation with the other county 12001
boards in the district; 12002

(13) Cooperate with, make its services available to, and 12003
act as the agent of persons, courts, the department of children 12004
and youth, the department of health, and other organizations 12005
within and outside the state, in matters relating to the welfare 12006
of children, except that the public children services agency 12007
shall not be required to provide supervision of or other 12008
services related to the exercise of parenting time ~~rights~~ 12009
~~granted under a parenting plan pursuant to section 3109.051-~~ 12010
3109.044 or 3109.12 of the Revised Code or companionship or 12011
visitation ~~rights~~ granted pursuant to section ~~3109.051~~3109.054, 12012
3109.11, or 3109.12 of the Revised Code unless a juvenile court, 12013
pursuant to Chapter 2151. of the Revised Code, or a common pleas 12014
court, pursuant to division (E) (6) of section 3113.31 of the 12015
Revised Code, requires the provision of supervision or other 12016
services related to the exercise of ~~the parenting time rights~~ or 12017
companionship or visitation ~~rights~~; 12018

(14) Make investigations at the request of any 12019

superintendent of schools in the county or the principal of any 12020
school concerning the application of any child adjudicated to be 12021
an abused, neglected, or dependent child for release from 12022
school, where such service is not provided through a school 12023
attendance department; 12024

(15) Administer funds provided under Title IV-E of the 12025
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 12026
amended, in accordance with rules adopted under section 5101.141 12027
of the Revised Code; 12028

(16) In addition to administering Title IV-E adoption 12029
assistance funds, enter into agreements to make adoption 12030
assistance payments under section 5153.163 of the Revised Code; 12031

(17) Implement a system of safety and risk assessment, in 12032
accordance with rules adopted by the director of children and 12033
youth, to assist the public children services agency in 12034
determining the risk of abuse or neglect to a child; 12035

(18) Enter into a plan of cooperation with the board of 12036
county commissioners under section 307.983 of the Revised Code 12037
and comply with each fiscal agreement the board enters into 12038
under section 307.98 of the Revised Code that include family 12039
services duties of public children services agencies and 12040
contracts the board enters into under sections 307.981 and 12041
307.982 of the Revised Code that affect the public children 12042
services agency; 12043

(19) Make reasonable efforts to prevent the removal of an 12044
alleged or adjudicated abused, neglected, or dependent child 12045
from the child's home, eliminate the continued removal of the 12046
child from the child's home, or make it possible for the child 12047
to return home safely, except that reasonable efforts of that 12048

nature are not required when a court has made a determination 12049
under division (A) (2) of section 2151.419 of the Revised Code; 12050

(20) Make reasonable efforts to place the child in a 12051
timely manner in accordance with the permanency plan approved 12052
under division (E) of section 2151.417 of the Revised Code and 12053
to complete whatever steps are necessary to finalize the 12054
permanent placement of the child; 12055

(21) Administer a Title IV-A program identified under 12056
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 12057
that the department of children and youth provides for the 12058
public children services agency to administer under the 12059
department's supervision pursuant to section 5101.801 of the 12060
Revised Code; 12061

(22) Administer the kinship permanency incentive program 12062
created under section 5101.802 of the Revised Code under the 12063
supervision of the director of children and youth; 12064

(23) Provide independent living services pursuant to 12065
sections 2151.81 to 2151.84 of the Revised Code; 12066

(24) File a missing child report with a local law 12067
enforcement agency upon becoming aware that a child in the 12068
custody of the public children services agency is or may be 12069
missing. 12070

(B) The public children services agency shall use the 12071
system implemented pursuant to division (A) (17) of this section 12072
in connection with an investigation undertaken pursuant to 12073
division (G) (1) of section 2151.421 of the Revised Code to 12074
assess both of the following: 12075

(1) The ongoing safety of the child; 12076

(2) The appropriateness of the intensity and duration of 12077
the services provided to meet child and family needs throughout 12078
the duration of a case. 12079

(C) Except as provided in section 2151.422 of the Revised 12080
Code, in accordance with rules of the director of children and 12081
youth, and on behalf of children in the county whom the public 12082
children services agency considers to be in need of public care 12083
or protective services, the public children services agency may 12084
do the following: 12085

(1) Provide or find, with other child serving systems, 12086
specialized foster care for the care of children in a 12087
specialized foster home, as defined in section 5103.02 of the 12088
Revised Code, certified under section 5103.03 of the Revised 12089
Code; 12090

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 12091
this section, contract with the following for the purpose of 12092
assisting the agency with its duties: 12093

(i) County departments of job and family services; 12094

(ii) Boards of alcohol, drug addiction, and mental health 12095
services; 12096

(iii) County boards of developmental disabilities; 12097

(iv) Regional councils of political subdivisions 12098
established under Chapter 167. of the Revised Code; 12099

(v) Private and government providers of services; 12100

(vi) Managed care organizations and prepaid health plans. 12101

(b) A public children services agency contract under 12102
division (C) (2) (a) of this section regarding the agency's duties 12103

under section 2151.421 of the Revised Code may not provide for 12104
the entity under contract with the agency to perform any service 12105
not authorized by the department's rules. 12106

(c) Only a county children services board appointed under 12107
section 5153.03 of the Revised Code that is a public children 12108
services agency may contract under division (C) (2) (a) of this 12109
section. If an entity specified in division (B) or (C) of 12110
section 5153.02 of the Revised Code is the public children 12111
services agency for a county, the board of county commissioners 12112
may enter into contracts pursuant to section 307.982 of the 12113
Revised Code regarding the agency's duties. 12114

Sec. 5180.14. (A) As used in this section and sections 12115
5180.15, 5180.16, and 5180.17 of the Revised Code: 12116

(1) "Child care center," "type A family child care home," 12117
and "licensed type B family child care home" have the same 12118
meanings as in section 5104.01 of the Revised Code. 12119

(2) "Child care facility" means a child care center, a 12120
type A family child care home, or a licensed type B family child 12121
care home. 12122

(3) "Foster caregiver" has the same meaning as in section 12123
5103.02 of the Revised Code. 12124

(4) "Freestanding birthing center" has the same meaning as 12125
in section 3701.503 of the Revised Code. 12126

(5) "Hospital" has the same meaning as in section 3722.01 12127
of the Revised Code to which either of the following applies: 12128

(a) The hospital has a maternity unit. 12129

(b) The hospital receives for care infants who have been 12130
transferred to it from other facilities and who have never been 12131

discharged to their residences following birth. 12132

(6) "Infant" means a child who is less than one year of 12133
age. 12134

(7) "Maternity unit" means the distinct portion of a 12135
hospital in which maternity services are provided. 12136

(8) "Other person responsible for the infant" includes a 12137
foster caregiver. 12138

(9) "Parent" means either parent, unless the parents are 12139
separated or divorced or their marriage has been dissolved or 12140
annulled, in which case "parent" means the parent or legal 12141
custodian who is the ~~residential~~ designated parent and legal 12142
custodian of the child. "Parent" also means a prospective 12143
adoptive parent with whom a child is placed. 12144

(10) "Shaken baby syndrome" means signs and symptoms, 12145
including, but not limited to, retinal hemorrhages in one or 12146
both eyes, subdural hematoma, or brain swelling, resulting from 12147
the violent shaking or the shaking and impacting of the head of 12148
an infant or small child. 12149

(B) The director of children and youth shall establish the 12150
shaken baby syndrome education program by doing all of the 12151
following: 12152

(1) Developing educational materials that present readily 12153
comprehensible information on shaken baby syndrome; 12154

(2) Making available on the department of children and 12155
youth web site in an easily accessible format the educational 12156
materials developed under division (B) (1) of this section; 12157

(3) Annually assessing the effectiveness of the shaken 12158
baby syndrome education program by doing all of the following: 12159

(a) Evaluating the reports received pursuant to section	12160
5101.135 of the Revised Code;	12161
(b) Reviewing the content of the educational materials to	12162
determine if updates or improvements should be made;	12163
(c) Reviewing the manner in which the educational	12164
materials are distributed, as described in section 5180.15 of	12165
the Revised Code, to determine if modifications to that manner	12166
should be made.	12167
(C) In meeting the requirements under division (B) of this	12168
section, the director shall develop educational materials that,	12169
to the extent possible, minimize administrative or financial	12170
burdens on any of the entities or persons listed in section	12171
5180.15 of the Revised Code.	12172
Section 2. That existing sections 109.65, 313.121,	12173
1713.55, 1733.242, 2108.81, 2111.08, 2151.011, 2151.23, 2151.33,	12174
2151.90, 2301.03, 2307.50, 2317.02, 2701.03, 2705.031, 2901.30,	12175
3101.041, 3105.011, 3105.21, 3105.63, 3105.65, 3109.03, 3109.04,	12176
3109.043, 3109.05, 3109.051, 3109.052, 3109.054, 3109.055,	12177
3109.06, 3109.061, 3109.09, 3109.11, 3109.12, 3109.401, 3109.41,	12178
3109.42, 3109.43, 3109.44, 3109.47, 3109.48, 3109.50, 3109.51,	12179
3109.52, 3109.53, 3109.55, 3109.56, 3109.58, 3109.60, 3109.65,	12180
3109.66, 3109.68, 3109.74, 3111.13, 3111.26, 3111.381, 3113.31,	12181
3119.01, 3119.06, 3119.07, 3119.08, 3119.24, 3119.82, 3119.87,	12182
3119.964, 3125.03, 3125.06, 3125.43, 3127.01, 3127.11, 3127.23,	12183
3127.35, 3310.51, 3313.205, 3313.64, 3313.666, 3313.672,	12184
3313.712, 3313.96, 3313.98, 3319.321, 3321.01, 3323.143,	12185
3328.01, 3332.25, 3333.26, 3345.85, 3701.503, 3780.33, 3796.24,	12186
3902.13, 3924.47, 5104.017, 5104.018, 5104.039, 5107.02,	12187
5120.652, 5120.653, 5123.01, 5153.16, and 5180.14 of the Revised	12188
Code are hereby repealed.	12189

Section 3. That sections 3109.041, 3109.042, and 3109.053 12190
of the Revised Code are hereby repealed. 12191

Section 4. Upon the enactment of this act, the General 12192
Assembly requests each court with jurisdiction over domestic 12193
relations matters to review and update the court's local rules 12194
regarding parenting time to comply with the act's provisions, 12195
including section 3109.401 of the Revised Code. 12196

Section 5. Section 2151.23 of the Revised Code is 12197
presented in this act as a composite of the section as amended 12198
by H.B. 110, H.B. 281, H.B. 518, and S.B. 288, all of the 134th 12199
General Assembly. The General Assembly, applying the principle 12200
stated in division (B) of section 1.52 of the Revised Code that 12201
amendments are to be harmonized if reasonably capable of 12202
simultaneous operation, finds that the composite is the 12203
resulting version of the section in effect prior to the 12204
effective date of the section as presented in this act. 12205