

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 448

Representatives LaTourette, Boyd

Cosponsors: Representatives Boggs, Howse, Reineke, Rezabek, Smith, K., West

A BILL

To amend sections 2151.411, 3107.15, 3109.051, 1
3109.11, and 3113.31 and to enact sections 2
3109.18, 3109.181, 3109.182, 3109.183, and 3
3109.90 of the Revised Code to create sibling 4
visitation rights, to make changes to the law 5
regarding sibling placement by a court or agency 6
and sibling relationships when parental rights 7
are terminated, and to extend the sibling 8
relationship beyond adoption. 9

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

Section 1. That sections 2151.411, 3107.15, 3109.051, 10
3109.11, and 3113.31 be amended and sections 3109.18, 3109.181, 11
3109.182, 3109.183, and 3109.90 of the Revised Code be enacted 12
to read as follows: 13

Sec. 2151.411. (A) As used in this section, "sibling" 14
means a person that shares at least one biological or adoptive 15
parent or has been raised in the household as a sibling. 16

(B) Whenever a child comes into the custody of the 17
juvenile court, a public children services agency, or a private 18

child placing agency, either as part of a sibling group or 19
subsequent to the previous placement of a sibling, the court or 20
agency ~~is strongly encouraged to~~ shall make reasonable efforts 21
to place the siblings together, unless it would be contrary to 22
the siblings' best interest or well-being. If siblings are not 23
placed together, the court or agency ~~should~~ shall make 24
reasonable efforts to ensure the siblings maintain frequent 25
connections through visitation or other ongoing interaction, 26
unless contrary to the siblings' placement or well-being. 27

(C) A sibling may file a motion with the juvenile court to 28
enforce division (B) of this section. 29

Sec. 3107.15. (A) A final decree of adoption and an 30
interlocutory order of adoption that has become final as issued 31
by a court of this state, or a decree issued by a jurisdiction 32
outside this state as recognized pursuant to section 3107.18 of 33
the Revised Code, shall have the following effects as to all 34
matters within the jurisdiction or before a court of this state, 35
whether issued before or after May 30, 1996: 36

(1) Except with respect to a spouse of the petitioner~~and~~ 37
, relatives of the spouse, and siblings of the adopted person, 38
to relieve the biological or other legal parents of the adopted 39
person of all parental rights and responsibilities, and to 40
terminate all legal relationships between the adopted person and 41
the adopted person's relatives, including the adopted person's 42
biological or other legal parents, so that the adopted person 43
thereafter is a stranger to the adopted person's former 44
relatives for all purposes including inheritance and the 45
interpretation or construction of documents, statutes, and 46
instruments, whether executed before or after the adoption is 47
decreed, which do not expressly include the person by name or by 48

some designation not based on a parent and child or blood relationship; 49
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(2) To create the relationship of parent and child between petitioner and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, and whether executed or created before or after May 30, 1996, which do not expressly exclude an adopted person from their operation or effect; 51
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(3) Notwithstanding division (A) (2) of this section, a person who is eighteen years of age or older at the time the person is adopted, and the adopted person's lineal descendants, are not included as recipients of gifts, devises, bequests, or other transfers of property, including transfers in trust made to a class of persons including, but not limited to, children, grandchildren, heirs, issue, lineal descendants, and next of kin, for purposes of inheritance and applicability of statutes, documents, and instruments, whether executed or created before or after May 30, 1996, unless the document or instrument expressly includes the adopted person by name or expressly states that it includes a person who is eighteen years of age or older at the time the person is adopted. 59
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(B) Notwithstanding division (A) of this section, if a parent of a child dies without the relationship of parent and child having been previously terminated and a spouse of the living parent thereafter adopts the child, the child's rights from or through the deceased parent for all purposes, including inheritance and applicability or construction of documents, statutes, and instruments, are not restricted or curtailed by 72
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the adoption. 79

(C) Notwithstanding division (A) of this section, if the 80
relationship of parent and child has not been terminated between 81
a parent and that parent's child and a spouse of the other 82
parent of the child adopts the child, a grandparent's or 83
relative's right to companionship or visitation pursuant to 84
section 3109.11 of the Revised Code is not restricted or 85
curtailed by the adoption. 86

(D) Notwithstanding division (A) of this section, a 87
sibling's right to visitation pursuant to sections 3109.18 to 88
3109.183 of the Revised Code is not restricted or curtailed by 89
the child's adoption. 90

(E) An interlocutory order of adoption, while it is in 91
force, has the same legal effect as a final decree of adoption. 92
If an interlocutory order of adoption is vacated, it shall be as 93
though void from its issuance, and the rights, liabilities, and 94
status of all affected persons that have not become vested are 95
governed accordingly. 96

(F) As used in this section, "sibling" has the same 97
meaning as in section 2151.411 of the Revised Code. 98

Sec. 3109.051. (A) If a divorce, dissolution, legal 99
separation, or annulment proceeding involves a child and if the 100
court has not issued a shared parenting decree, the court shall 101
consider any mediation report filed pursuant to section 3109.052 102
of the Revised Code and, in accordance with division (C) of this 103
section, shall make a just and reasonable order or decree 104
permitting each parent who is not the residential parent to have 105
parenting time with the child at the time and under the 106
conditions that the court directs, unless the court determines 107

that it would not be in the best interest of the child to permit 108
that parent to have parenting time with the child and includes 109
in the journal its findings of fact and conclusions of law. 110
Whenever possible, the order or decree permitting the parenting 111
time shall ensure the opportunity for both parents to have 112
frequent and continuing contact with the child, unless frequent 113
and continuing contact by either parent with the child would not 114
be in the best interest of the child. The court shall include in 115
its final decree a specific schedule of parenting time for that 116
parent. Except as provided in division (E) (6) of section 3113.31 117
of the Revised Code, if the court, pursuant to this section, 118
grants parenting time to a parent or companionship or visitation 119
rights to any other person with respect to any child, it shall 120
not require the public children services agency to provide 121
supervision of or other services related to that parent's 122
exercise of parenting time or that person's exercise of 123
companionship or visitation rights with respect to the child. 124
This section does not limit the power of a juvenile court 125
pursuant to Chapter 2151. of the Revised Code to issue orders 126
with respect to children who are alleged to be abused, 127
neglected, or dependent children or to make dispositions of 128
children who are adjudicated abused, neglected, or dependent 129
children or of a common pleas court to issue orders pursuant to 130
section 3113.31 of the Revised Code. 131

(B) (1) In a divorce, dissolution of marriage, legal 132
separation, annulment, or child support proceeding that involves 133
a child, the court may grant reasonable companionship or 134
visitation rights to any grandparent, any person related to the 135
child by consanguinity or affinity, or any other person other 136
than a parent, if all of the following apply: 137

(a) The grandparent, relative, or other person files a 138

motion with the court seeking companionship or visitation	139
rights.	140
(b) The court determines that the grandparent, relative,	141
or other person has an interest in the welfare of the child.	142
(c) The court determines that the granting of the	143
companionship or visitation rights is in the best interest of	144
the child.	145
(2) A motion may be filed under division (B)(1) of this	146
section during the pendency of the divorce, dissolution of	147
marriage, legal separation, annulment, or child support	148
proceeding or, if a motion was not filed at that time or was	149
filed at that time and the circumstances in the case have	150
changed, at any time after a decree or final order is issued in	151
the case.	152
(C) When determining whether to grant parenting time	153
rights to a parent pursuant to this section or section 3109.12	154
of the Revised Code or to grant companionship or visitation	155
rights to a grandparent, relative, or other person pursuant to	156
this section or section 3109.11 or, <u>3109.12, or 3109.18 to</u>	157
<u>3109.183</u> of the Revised Code, when establishing a specific	158
parenting time or visitation schedule, and when determining	159
other parenting time matters under this section or section	160
3109.12 of the Revised Code or visitation matters under this	161
section or section 3109.11 or, <u>3109.12, or 3109.18 to 3109.183</u>	162
of the Revised Code, the court shall consider any mediation	163
report that is filed pursuant to section 3109.052 of the Revised	164
Code and shall consider all other relevant factors, including,	165
but not limited to, all of the factors listed in division (D) of	166
this section. In considering the factors listed in division (D)	167
of this section for purposes of determining whether to grant	168

parenting time or visitation rights, establishing a specific 169
parenting time or visitation schedule, determining other 170
parenting time matters under this section or section 3109.12 of 171
the Revised Code or visitation matters under this section or 172
under section 3109.11 ~~or~~ , 3109.12, or 3109.18 to 3109.183 of 173
the Revised Code, and resolving any issues related to the making 174
of any determination with respect to parenting time or 175
visitation rights or the establishment of any specific parenting 176
time or visitation schedule, the court, in its discretion, may 177
interview in chambers any or all involved children regarding 178
their wishes and concerns. If the court interviews any child 179
concerning the child's wishes and concerns regarding those 180
parenting time or visitation matters, the interview shall be 181
conducted in chambers, and no person other than the child, the 182
child's attorney, the judge, any necessary court personnel, and, 183
in the judge's discretion, the attorney of each parent shall be 184
permitted to be present in the chambers during the interview. No 185
person shall obtain or attempt to obtain from a child a written 186
or recorded statement or affidavit setting forth the wishes and 187
concerns of the child regarding those parenting time or 188
visitation matters. A court, in considering the factors listed 189
in division (D) of this section for purposes of determining 190
whether to grant any parenting time or visitation rights, 191
establishing a parenting time or visitation schedule, 192
determining other parenting time matters under this section or 193
section 3109.12 of the Revised Code or visitation matters under 194
this section or under section 3109.11 ~~or~~ , 3109.12, or 3109.18 195
to 3109.183 of the Revised Code, or resolving any issues related 196
to the making of any determination with respect to parenting 197
time or visitation rights or the establishment of any specific 198
parenting time or visitation schedule, shall not accept or 199
consider a written or recorded statement or affidavit that 200

purports to set forth the child's wishes or concerns regarding 201
those parenting time or visitation matters. 202

(D) In determining whether to grant parenting time to a 203
parent pursuant to this section or section 3109.12 of the 204
Revised Code or companionship or visitation rights to a 205
grandparent, relative, or other person pursuant to this section 206
or section 3109.11 or 3109.12 of the Revised Code, in 207
establishing a specific parenting time or visitation schedule, 208
and in determining other parenting time matters under this 209
section or section 3109.12 of the Revised Code or visitation 210
matters under this section or section 3109.11 or 3109.12 of the 211
Revised Code, the court shall consider all of the following 212
factors: 213

(1) The prior interaction and interrelationships of the 214
child with the child's parents, siblings, and other persons 215
related by consanguinity or affinity, and with the person who 216
requested companionship or visitation if that person is not a 217
parent, sibling, or relative of the child; 218

(2) The geographical location of the residence of each 219
parent and the distance between those residences, and if the 220
person is not a parent, the geographical location of that 221
person's residence and the distance between that person's 222
residence and the child's residence; 223

(3) The child's and parents' available time, including, 224
but not limited to, each parent's employment schedule, the 225
child's school schedule, and the child's and the parents' 226
holiday and vacation schedule; 227

(4) The age of the child; 228

(5) The child's adjustment to home, school, and community; 229

(6) If the court has interviewed the child in chambers,	230
pursuant to division (C) of this section, regarding the wishes	231
and concerns of the child as to parenting time by the parent who	232
is not the residential parent or companionship or visitation by	233
the grandparent, relative, or other person who requested	234
companionship or visitation, as to a specific parenting time or	235
visitation schedule, or as to other parenting time or visitation	236
matters, the wishes and concerns of the child, as expressed to	237
the court;	238
(7) The health and safety of the child;	239
(8) The amount of time that will be available for the	240
child to spend with siblings;	241
(9) The mental and physical health of all parties;	242
(10) Each parent's willingness to reschedule missed	243
parenting time and to facilitate the other parent's parenting	244
time rights, and with respect to a person who requested	245
companionship or visitation, the willingness of that person to	246
reschedule missed visitation;	247
(11) In relation to parenting time, whether either parent	248
previously has been convicted of or pleaded guilty to any	249
criminal offense involving any act that resulted in a child	250
being an abused child or a neglected child; whether either	251
parent, in a case in which a child has been adjudicated an	252
abused child or a neglected child, previously has been	253
determined to be the perpetrator of the abusive or neglectful	254
act that is the basis of the adjudication; and whether there is	255
reason to believe that either parent has acted in a manner	256
resulting in a child being an abused child or a neglected child;	257
(12) In relation to requested companionship or visitation	258

by a person other than a parent, whether the person previously 259
has been convicted of or pleaded guilty to any criminal offense 260
involving any act that resulted in a child being an abused child 261
or a neglected child; whether the person, in a case in which a 262
child has been adjudicated an abused child or a neglected child, 263
previously has been determined to be the perpetrator of the 264
abusive or neglectful act that is the basis of the adjudication; 265
whether either parent previously has been convicted of or 266
pleaded guilty to a violation of section 2919.25 of the Revised 267
Code involving a victim who at the time of the commission of the 268
offense was a member of the family or household that is the 269
subject of the current proceeding; whether either parent 270
previously has been convicted of an offense involving a victim 271
who at the time of the commission of the offense was a member of 272
the family or household that is the subject of the current 273
proceeding and caused physical harm to the victim in the 274
commission of the offense; and whether there is reason to 275
believe that the person has acted in a manner resulting in a 276
child being an abused child or a neglected child; 277

(13) Whether the residential parent or one of the parents 278
subject to a shared parenting decree has continuously and 279
willfully denied the other parent's right to parenting time in 280
accordance with an order of the court; 281

(14) Whether either parent has established a residence or 282
is planning to establish a residence outside this state; 283

(15) In relation to requested companionship or visitation 284
by a person other than a parent, the wishes and concerns of the 285
child's parents, as expressed by them to the court; 286

(16) Any other factor in the best interest of the child. 287

(E) The remarriage of a residential parent of a child does 288
not affect the authority of a court under this section to grant 289
parenting time rights with respect to the child to the parent 290
who is not the residential parent or to grant reasonable 291
companionship or visitation rights with respect to the child to 292
any grandparent, any person related by consanguinity or 293
affinity, or any other person. 294

(F) (1) If the court, pursuant to division (A) of this 295
section, denies parenting time to a parent who is not the 296
residential parent or denies a motion for reasonable 297
companionship or visitation rights filed under division (B) of 298
this section and the parent or movant files a written request 299
for findings of fact and conclusions of law, the court shall 300
state in writing its findings of fact and conclusions of law in 301
accordance with Civil Rule 52. 302

(2) On or before July 1, 1991, each court of common pleas, 303
by rule, shall adopt standard parenting time guidelines. A court 304
shall have discretion to deviate from its standard parenting 305
time guidelines based upon factors set forth in division (D) of 306
this section. 307

(G) (1) If the residential parent intends to move to a 308
residence other than the residence specified in the parenting 309
time order or decree of the court, the parent shall file a 310
notice of intent to relocate with the court that issued the 311
order or decree. Except as provided in divisions (G) (2), (3), 312
and (4) of this section, the court shall send a copy of the 313
notice to the parent who is not the residential parent. Upon 314
receipt of the notice, the court, on its own motion or the 315
motion of the parent who is not the residential parent, may 316
schedule a hearing with notice to both parents to determine 317

whether it is in the best interest of the child to revise the 318
parenting time schedule for the child. 319

(2) When a court grants parenting time rights to a parent 320
who is not the residential parent, the court shall determine 321
whether that parent has been convicted of or pleaded guilty to a 322
violation of section 2919.25 of the Revised Code involving a 323
victim who at the time of the commission of the offense was a 324
member of the family or household that is the subject of the 325
proceeding, has been convicted of or pleaded guilty to any other 326
offense involving a victim who at the time of the commission of 327
the offense was a member of the family or household that is the 328
subject of the proceeding and caused physical harm to the victim 329
in the commission of the offense, or has been determined to be 330
the perpetrator of the abusive act that is the basis of an 331
adjudication that a child is an abused child. If the court 332
determines that that parent has not been so convicted and has 333
not been determined to be the perpetrator of an abusive act that 334
is the basis of a child abuse adjudication, the court shall 335
issue an order stating that a copy of any notice of relocation 336
that is filed with the court pursuant to division (G) (1) of this 337
section will be sent to the parent who is given the parenting 338
time rights in accordance with division (G) (1) of this section. 339

If the court determines that the parent who is granted the 340
parenting time rights has been convicted of or pleaded guilty to 341
a violation of section 2919.25 of the Revised Code involving a 342
victim who at the time of the commission of the offense was a 343
member of the family or household that is the subject of the 344
proceeding, has been convicted of or pleaded guilty to any other 345
offense involving a victim who at the time of the commission of 346
the offense was a member of the family or household that is the 347
subject of the proceeding and caused physical harm to the victim 348

in the commission of the offense, or has been determined to be 349
the perpetrator of the abusive act that is the basis of an 350
adjudication that a child is an abused child, it shall issue an 351
order stating that that parent will not be given a copy of any 352
notice of relocation that is filed with the court pursuant to 353
division (G)(1) of this section unless the court determines that 354
it is in the best interest of the children to give that parent a 355
copy of the notice of relocation, issues an order stating that 356
that parent will be given a copy of any notice of relocation 357
filed pursuant to division (G)(1) of this section, and issues 358
specific written findings of fact in support of its 359
determination. 360

(3) If a court, prior to April 11, 1991, issued an order 361
granting parenting time rights to a parent who is not the 362
residential parent and did not require the residential parent in 363
that order to give the parent who is granted the parenting time 364
rights notice of any change of address and if the residential 365
parent files a notice of relocation pursuant to division (G)(1) 366
of this section, the court shall determine if the parent who is 367
granted the parenting time rights has been convicted of or 368
pleaded guilty to a violation of section 2919.25 of the Revised 369
Code involving a victim who at the time of the commission of the 370
offense was a member of the family or household that is the 371
subject of the proceeding, has been convicted of or pleaded 372
guilty to any other offense involving a victim who at the time 373
of the commission of the offense was a member of the family or 374
household that is the subject of the proceeding and caused 375
physical harm to the victim in the commission of the offense, or 376
has been determined to be the perpetrator of the abusive act 377
that is the basis of an adjudication that a child is an abused 378
child. If the court determines that the parent who is granted 379

the parenting time rights has not been so convicted and has not 380
been determined to be the perpetrator of an abusive act that is 381
the basis of a child abuse adjudication, the court shall issue 382
an order stating that a copy of any notice of relocation that is 383
filed with the court pursuant to division (G)(1) of this section 384
will be sent to the parent who is granted parenting time rights 385
in accordance with division (G)(1) of this section. 386

If the court determines that the parent who is granted the 387
parenting time rights has been convicted of or pleaded guilty to 388
a violation of section 2919.25 of the Revised Code involving a 389
victim who at the time of the commission of the offense was a 390
member of the family or household that is the subject of the 391
proceeding, has been convicted of or pleaded guilty to any other 392
offense involving a victim who at the time of the commission of 393
the offense was a member of the family or household that is the 394
subject of the proceeding and caused physical harm to the victim 395
in the commission of the offense, or has been determined to be 396
the perpetrator of the abusive act that is the basis of an 397
adjudication that a child is an abused child, it shall issue an 398
order stating that that parent will not be given a copy of any 399
notice of relocation that is filed with the court pursuant to 400
division (G)(1) of this section unless the court determines that 401
it is in the best interest of the children to give that parent a 402
copy of the notice of relocation, issues an order stating that 403
that parent will be given a copy of any notice of relocation 404
filed pursuant to division (G)(1) of this section, and issues 405
specific written findings of fact in support of its 406
determination. 407

(4) If a parent who is granted parenting time rights 408
pursuant to this section or any other section of the Revised 409
Code is authorized by an order issued pursuant to this section 410

or any other court order to receive a copy of any notice of 411
relocation that is filed pursuant to division (G) (1) of this 412
section or pursuant to court order, if the residential parent 413
intends to move to a residence other than the residence address 414
specified in the parenting time order, and if the residential 415
parent does not want the parent who is granted the parenting 416
time rights to receive a copy of the relocation notice because 417
the parent with parenting time rights has been convicted of or 418
pleaded guilty to a violation of section 2919.25 of the Revised 419
Code involving a victim who at the time of the commission of the 420
offense was a member of the family or household that is the 421
subject of the proceeding, has been convicted of or pleaded 422
guilty to any other offense involving a victim who at the time 423
of the commission of the offense was a member of the family or 424
household that is the subject of the proceeding and caused 425
physical harm to the victim in the commission of the offense, or 426
has been determined to be the perpetrator of the abusive act 427
that is the basis of an adjudication that a child is an abused 428
child, the residential parent may file a motion with the court 429
requesting that the parent who is granted the parenting time 430
rights not receive a copy of any notice of relocation. Upon the 431
filing of the motion, the court shall schedule a hearing on the 432
motion and give both parents notice of the date, time, and 433
location of the hearing. If the court determines that the parent 434
who is granted the parenting time rights has been so convicted 435
or has been determined to be the perpetrator of an abusive act 436
that is the basis of a child abuse adjudication, the court shall 437
issue an order stating that the parent who is granted the 438
parenting time rights will not be given a copy of any notice of 439
relocation that is filed with the court pursuant to division (G) 440
(1) of this section or that the residential parent is no longer 441
required to give that parent a copy of any notice of relocation 442

unless the court determines that it is in the best interest of 443
the children to give that parent a copy of the notice of 444
relocation, issues an order stating that that parent will be 445
given a copy of any notice of relocation filed pursuant to 446
division (G)(1) of this section, and issues specific written 447
findings of fact in support of its determination. If it does not 448
so find, it shall dismiss the motion. 449

(H)(1) Subject to section 3125.16 and division (F) of 450
section 3319.321 of the Revised Code, a parent of a child who is 451
not the residential parent of the child is entitled to access, 452
under the same terms and conditions under which access is 453
provided to the residential parent, to any record that is 454
related to the child and to which the residential parent of the 455
child legally is provided access, unless the court determines 456
that it would not be in the best interest of the child for the 457
parent who is not the residential parent to have access to the 458
records under those same terms and conditions. If the court 459
determines that the parent of a child who is not the residential 460
parent should not have access to records related to the child 461
under the same terms and conditions as provided for the 462
residential parent, the court shall specify the terms and 463
conditions under which the parent who is not the residential 464
parent is to have access to those records, shall enter its 465
written findings of facts and opinion in the journal, and shall 466
issue an order containing the terms and conditions to both the 467
residential parent and the parent of the child who is not the 468
residential parent. The court shall include in every order 469
issued pursuant to this division notice that any keeper of a 470
record who knowingly fails to comply with the order or division 471
(H) of this section is in contempt of court. 472

(2) Subject to section 3125.16 and division (F) of section 473

3319.321 of the Revised Code, subsequent to the issuance of an 474
order under division (H) (1) of this section, the keeper of any 475
record that is related to a particular child and to which the 476
residential parent legally is provided access shall permit the 477
parent of the child who is not the residential parent to have 478
access to the record under the same terms and conditions under 479
which access is provided to the residential parent, unless the 480
residential parent has presented the keeper of the record with a 481
copy of an order issued under division (H) (1) of this section 482
that limits the terms and conditions under which the parent who 483
is not the residential parent is to have access to records 484
pertaining to the child and the order pertains to the record in 485
question. If the residential parent presents the keeper of the 486
record with a copy of that type of order, the keeper of the 487
record shall permit the parent who is not the residential parent 488
to have access to the record only in accordance with the most 489
recent order that has been issued pursuant to division (H) (1) of 490
this section and presented to the keeper by the residential 491
parent or the parent who is not the residential parent. Any 492
keeper of any record who knowingly fails to comply with division 493
(H) of this section or with any order issued pursuant to 494
division (H) (1) of this section is in contempt of court. 495

(3) The prosecuting attorney of any county may file a 496
complaint with the court of common pleas of that county 497
requesting the court to issue a protective order preventing the 498
disclosure pursuant to division (H) (1) or (2) of this section of 499
any confidential law enforcement investigatory record. The court 500
shall schedule a hearing on the motion and give notice of the 501
date, time, and location of the hearing to all parties. 502

(I) A court that issues a parenting time order or decree 503
pursuant to this section or section 3109.12 of the Revised Code 504

shall determine whether the parent granted the right of 505
parenting time is to be permitted access, in accordance with 506
section 5104.039 of the Revised Code, to any child day-care 507
center that is, or that in the future may be, attended by the 508
children with whom the right of parenting time is granted. 509
Unless the court determines that the parent who is not the 510
residential parent should not have access to the center to the 511
same extent that the residential parent is granted access to the 512
center, the parent who is not the residential parent and who is 513
granted parenting time rights is entitled to access to the 514
center to the same extent that the residential parent is granted 515
access to the center. If the court determines that the parent 516
who is not the residential parent should not have access to the 517
center to the same extent that the residential parent is granted 518
such access under section 5104.039 of the Revised Code, the 519
court shall specify the terms and conditions under which the 520
parent who is not the residential parent is to have access to 521
the center, provided that the access shall not be greater than 522
the access that is provided to the residential parent under 523
section 5104.039 of the Revised Code, the court shall enter its 524
written findings of fact and opinions in the journal, and the 525
court shall include the terms and conditions of access in the 526
parenting time order or decree. 527

(J) (1) Subject to division (F) of section 3319.321 of the 528
Revised Code, when a court issues an order or decree allocating 529
parental rights and responsibilities for the care of a child, 530
the parent of the child who is not the residential parent of the 531
child is entitled to access, under the same terms and conditions 532
under which access is provided to the residential parent, to any 533
student activity that is related to the child and to which the 534
residential parent of the child legally is provided access, 535

unless the court determines that it would not be in the best 536
interest of the child to grant the parent who is not the 537
residential parent access to the student activities under those 538
same terms and conditions. If the court determines that the 539
parent of the child who is not the residential parent should not 540
have access to any student activity that is related to the child 541
under the same terms and conditions as provided for the 542
residential parent, the court shall specify the terms and 543
conditions under which the parent who is not the residential 544
parent is to have access to those student activities, shall 545
enter its written findings of facts and opinion in the journal, 546
and shall issue an order containing the terms and conditions to 547
both the residential parent and the parent of the child who is 548
not the residential parent. The court shall include in every 549
order issued pursuant to this division notice that any school 550
official or employee who knowingly fails to comply with the 551
order or division (J) of this section is in contempt of court. 552

(2) Subject to division (F) of section 3319.321 of the 553
Revised Code, subsequent to the issuance of an order under 554
division (J)(1) of this section, all school officials and 555
employees shall permit the parent of the child who is not the 556
residential parent to have access to any student activity under 557
the same terms and conditions under which access is provided to 558
the residential parent of the child, unless the residential 559
parent has presented the school official or employee, the board 560
of education of the school, or the governing body of the 561
chartered nonpublic school with a copy of an order issued under 562
division (J)(1) of this section that limits the terms and 563
conditions under which the parent who is not the residential 564
parent is to have access to student activities related to the 565
child and the order pertains to the student activity in 566

question. If the residential parent presents the school official 567
or employee, the board of education of the school, or the 568
governing body of the chartered nonpublic school with a copy of 569
that type of order, the school official or employee shall permit 570
the parent who is not the residential parent to have access to 571
the student activity only in accordance with the most recent 572
order that has been issued pursuant to division (J) (1) of this 573
section and presented to the school official or employee, the 574
board of education of the school, or the governing body of the 575
chartered nonpublic school by the residential parent or the 576
parent who is not the residential parent. Any school official or 577
employee who knowingly fails to comply with division (J) of this 578
section or with any order issued pursuant to division (J) (1) of 579
this section is in contempt of court. 580

(K) If any person is found in contempt of court for 581
failing to comply with or interfering with any order or decree 582
granting parenting time rights issued pursuant to this section 583
or section 3109.12 of the Revised Code or companionship or 584
visitation rights issued pursuant to this section, section 585
3109.11 ~~or~~, 3109.12, or 3109.18 to 3109.183 of the Revised 586
Code, or any other provision of the Revised Code, the court that 587
makes the finding, in addition to any other penalty or remedy 588
imposed, shall assess all court costs arising out of the 589
contempt proceeding against the person and require the person to 590
pay any reasonable attorney's fees of any adverse party, as 591
determined by the court, that arose in relation to the act of 592
contempt, and may award reasonable compensatory parenting time 593
or visitation to the person whose right of parenting time or 594
visitation was affected by the failure or interference if such 595
compensatory parenting time or visitation is in the best 596
interest of the child. Any compensatory parenting time or 597

visitation awarded under this division shall be included in an 598
order issued by the court and, to the extent possible, shall be 599
governed by the same terms and conditions as was the parenting 600
time or visitation that was affected by the failure or 601
interference. 602

(L) Any parent who requests reasonable parenting time 603
rights with respect to a child under this section or section 604
3109.12 of the Revised Code or any person who requests 605
reasonable companionship or visitation rights with respect to a 606
child under this section, section 3109.11 ~~or~~, 3109.12, or 607
3109.18 to 3109.183 of the Revised Code, or any other provision 608
of the Revised Code may file a motion with the court requesting 609
that it waive all or any part of the costs that may accrue in 610
the proceedings. If the court determines that the movant is 611
indigent and that the waiver is in the best interest of the 612
child, the court, in its discretion, may waive payment of all or 613
any part of the costs of those proceedings. 614

(M) (1) A parent who receives an order for active military 615
service in the uniformed services and who is subject to a 616
parenting time order may apply to the court for any of the 617
following temporary orders for the period extending from the 618
date of the parent's departure to the date of return: 619

(a) An order delegating all or part of the parent's 620
parenting time with the child to a relative or to another person 621
who has a close and substantial relationship with the child if 622
the delegation is in the child's best interest; 623

(b) An order that the other parent make the child 624
reasonably available for parenting time with the parent when the 625
parent is on leave from active military service; 626

(c) An order that the other parent facilitate contact, 627
including telephone and electronic contact, between the parent 628
and child while the parent is on active military service. 629

(2) (a) Upon receipt of an order for active military 630
service, a parent who is subject to a parenting time order and 631
seeks an order under division (M) (1) of this section shall 632
notify the other parent who is subject to the parenting time 633
order and apply to the court as soon as reasonably possible 634
after receipt of the order for active military service. The 635
application shall include the date on which the active military 636
service begins. 637

(b) The court shall schedule a hearing upon receipt of an 638
application under division (M) of this section and hold the 639
hearing not later than thirty days after its receipt, except 640
that the court shall give the case calendar priority and handle 641
the case expeditiously if exigent circumstances exist in the 642
case. No hearing shall be required if both parents agree to the 643
terms of the requested temporary order and the court determines 644
that the order is in the child's best interest. 645

(c) In determining whether a delegation under division (M) 646
(1) (a) of this section is in the child's best interest, the 647
court shall consider all relevant factors, including the factors 648
set forth in division (D) of this section. 649

(d) An order delegating all or part of the parent's 650
parenting time pursuant to division (M) (1) (a) of this section 651
does not create standing on behalf of the person to whom 652
parenting time is delegated to assert visitation or 653
companionship rights independent of the order. 654

(3) At the request of a parent who is ordered for active 655

military service in the uniformed services and who is a subject 656
of a proceeding pertaining to a parenting time order or 657
pertaining to a request for companionship rights or visitation 658
with a child, the court shall permit the parent to participate 659
in the proceeding and present evidence by electronic means, 660
including communication by telephone, video, or internet to the 661
extent permitted by rules of the supreme court of Ohio. 662

(N) The juvenile court has exclusive jurisdiction to enter 663
the orders in any case certified to it from another court. 664

(O) As used in this section: 665

(1) "Abused child" has the same meaning as in section 666
2151.031 of the Revised Code, and "neglected child" has the same 667
meaning as in section 2151.03 of the Revised Code. 668

(2) "Active military service" and "uniformed services" 669
have the same meanings as in section 3109.04 of the Revised 670
Code. 671

(3) "Confidential law enforcement investigatory record" 672
has the same meaning as in section 149.43 of the Revised Code. 673

(4) "Parenting time order" means an order establishing the 674
amount of time that a child spends with the parent who is not 675
the residential parent or the amount of time that the child is 676
to be physically located with a parent under a shared parenting 677
order. 678

(5) "Record" means any record, document, file, or other 679
material that contains information directly related to a child, 680
including, but not limited to, any of the following: 681

(a) Records maintained by public and nonpublic schools; 682

(b) Records maintained by facilities that provide child 683

care, as defined in section 5104.01 of the Revised Code, 684
publicly funded child care, as defined in section 5104.01 of the 685
Revised Code, or pre-school services operated by or under the 686
supervision of a school district board of education or a 687
nonpublic school; 688

(c) Records maintained by hospitals, other facilities, or 689
persons providing medical or surgical care or treatment for the 690
child; 691

(d) Records maintained by agencies, departments, 692
instrumentalities, or other entities of the state or any 693
political subdivision of the state, other than a child support 694
enforcement agency. Access to records maintained by a child 695
support enforcement agency is governed by section 3125.16 of the 696
Revised Code. 697

Sec. 3109.11. If either the father or mother of an 698
unmarried minor child is deceased, the court of common pleas of 699
the county in which the minor child resides may grant the 700
parents and other relatives of the deceased father or mother 701
reasonable companionship or visitation rights with respect to 702
the minor child during the child's minority if the parent or 703
other relative files a complaint requesting reasonable 704
companionship or visitation rights and if the court determines 705
that the granting of the companionship or visitation rights is 706
in the best interest of the minor child. In determining whether 707
to grant any person reasonable companionship or visitation 708
rights with respect to any child, the court shall consider all 709
relevant factors, including, but not limited to, the factors set 710
forth in division (D) of section 3109.051 of the Revised Code. 711
Divisions (C), (K), and (L) of section 3109.051 of the Revised 712
Code apply to the determination of reasonable companionship or 713

visitation rights under this section and to any order granting 714
any such rights that is issued under this section. 715

The remarriage of the surviving parent of the child or the 716
adoption of the child by the spouse of the surviving parent of 717
the child does not affect the authority of the court under this 718
section to grant reasonable companionship or visitation rights 719
with respect to the child to a parent or other relative of the 720
child's deceased father or mother. 721

If the court denies a request for reasonable companionship 722
or visitation rights made pursuant to this section and the 723
complainant files a written request for findings of fact and 724
conclusions of law, the court shall state in writing its 725
findings of fact and conclusions of law in accordance with Civil 726
Rule 52. 727

Except as provided in division (E) (6) of section 3113.31 728
of the Revised Code, if the court, pursuant to this section, 729
grants any person companionship or visitation rights with 730
respect to any child, it shall not require the public children 731
services agency to provide supervision of or other services 732
related to that person's exercise of companionship or visitation 733
rights with respect to the child. This section does not limit 734
the power of a juvenile court pursuant to Chapter 2151. of the 735
Revised Code to issue orders with respect to children who are 736
alleged to be abused, neglected, or dependent children or to 737
make dispositions of children who are adjudicated abused, 738
neglected, or dependent children or of a common pleas court to 739
issue orders pursuant to section 3113.31 of the Revised Code. 740

Any person that may be granted visitation rights under 741
sections 3109.18 to 3109.183 of the Revised Code shall not be 742
granted visitation rights under this section. 743

Sec. 3109.18. (A) As used in this section and sections 744
3109.181 to 3109.183 of the Revised Code: 745

(1) "Sibling" has the same meaning as in section 2151.411 746
of the Revised Code. 747

(2) "Visitation" includes other ongoing interaction that 748
allows siblings to maintain frequent contact. 749

(B) If a child is placed in temporary custody or permanent 750
custody under Chapter 2151., 3109., or 3127. of the Revised 751
Code, or adopted under Chapter 3107. of the Revised Code, the 752
court of common pleas of the county in which the minor child 753
resides may grant a sibling visitation rights with respect to 754
the minor child during the child's minority if the sibling files 755
a complaint requesting reasonable visitation rights and if the 756
court determines that the granting of visitation rights is in 757
the best interest of the minor child. In determining whether to 758
grant a sibling reasonable visitation rights with respect to any 759
child, the court shall consider all relevant factors, including 760
the factors set forth in section 3109.181 of the Revised Code. 761
Divisions (C), (K), and (L) of section 3109.051 of the Revised 762
Code apply to the determination of reasonable visitation rights 763
under this section and to any order granting any such rights 764
that is issued under this section. 765

(C) If the sibling requesting visitation rights is a 766
minor, then a parent, guardian, or guardian ad litem may 767
petition the court on behalf of the minor. 768

(D) If the court denies a request for reasonable 769
visitation rights made pursuant to this section and the 770
complainant files a written request for findings of fact and 771
conclusions of law, the court shall state in writing its 772

findings of fact and conclusions of law in accordance with Civil 773
Rule 52. 774

(E) Except as provided in division (E)(6) of section 775
3113.31 of the Revised Code, if the court, pursuant to this 776
section, grants any sibling visitation rights with respect to 777
any child, it shall not require the public children services 778
agency to provide supervision of or other services related to a 779
sibling's exercise of visitation rights with respect to the 780
child. This section does not limit the power of a juvenile court 781
pursuant to Chapter 2151. of the Revised Code to issue orders 782
with respect to children who are alleged to be abused, 783
neglected, or dependent children or to make dispositions of 784
children who are adjudicated abused, neglected, or dependent 785
children or of a common pleas court to issue orders pursuant to 786
section 3113.31 of the Revised Code. 787

Sec. 3109.181. In determining whether to grant visitation 788
rights to a sibling pursuant to section 3109.18 of the Revised 789
Code, in establishing a visitation schedule, and in determining 790
other visitation matters under section 3109.18 of the Revised 791
Code, the court shall consider all of the following factors: 792

(A) The relationship between the child and the sibling; 793

(B) The relationship between each of the child's parents 794
or the person with whom the child is residing and the sibling; 795

(C) The time which has elapsed since the child last had 796
contact with the sibling; 797

(D) The effect that such visitation will have on the 798
relationship between the child and the child's parents or the 799
person with whom the child is residing; 800

(E) If the adoptive parents of the child are divorced or 801

separated, the time sharing arrangement which exists between the 802
parents with regard to the child; 803

(F) The good faith of the sibling in filing the complaint; 804

(G) The geographical location of the sibling's residence 805
and the distance between the sibling's residence and the child's 806
residence; 807

(H) The age of the child; 808

(I) The child's adjustment to home, school, and community; 809

(J) If the court has interviewed the child in chambers, 810
pursuant to division (C) of section 3109.051 of the Revised 811
Code, regarding the wishes and concerns of the child as to 812
visitation by the sibling who requested visitation, as to a 813
specific visitation schedule, or as to other visitation matters, 814
the wishes and concerns of the child, as expressed to the court; 815

(K) The health and safety of the child; 816

(L) The mental and physical health of all parties; 817

(M) The willingness of a sibling to reschedule missed 818
visitation; 819

(N) Whether the sibling previously has been convicted of 820
or pleaded guilty to any criminal offense involving any act that 821
resulted in a child being an abused child or a neglected child; 822
whether a sibling, in a case in which a child has been 823
adjudicated an abused child or a neglected child, previously has 824
been determined to be the perpetrator of the abusive or 825
neglectful act that is the basis of the adjudication; whether a 826
sibling previously has been convicted of or pleaded guilty to a 827
violation of section 2919.25 of the Revised Code involving a 828
victim who at the time of the commission of the offense was a 829

member of the family or household that is the subject of the 830
current proceeding; whether a sibling previously has been 831
convicted of an offense involving a victim who at the time of 832
the commission of the offense was a member of the family or 833
household that is the subject of the current proceeding and 834
caused physical harm to the victim in the commission of the 835
offense; and whether there is reason to believe that the sibling 836
has acted in a manner resulting in a child being an abused child 837
or neglected child; 838

(O) The wishes and concerns of the child's parents, as 839
expressed by them to the court; 840

(P) Any other factor in the best interest of the child. 841

Sec. 3109.182. If a child who is in the custody of a 842
public children services agency or private child placing agency 843
is placed for adoption, the agency shall provide the court with 844
jurisdiction over the adoption proceedings with a copy of any 845
order for visitation with a sibling of the child that was issued 846
under section 3109.18 of the Revised Code. The court shall 847
conduct a hearing to determine whether to terminate or modify 848
the order for visitation with a sibling based on the factors 849
listed in section 3109.181 of the Revised Code. 850

Sec. 3109.183. A court may join any of the following as a 851
party to a proceeding for the issuance, modification, or 852
termination of visitation rights for the sibling of a child: 853

(A) The adoptive parent of the child; 854

(B) A person seeking to adopt the child; 855

(C) The child who: 856

(1) Has been adopted or whose adoption is being sought; or 857

<u>(2) Is in temporary or permanent custody.</u>	858
<u>(D) A sibling of the child described in division (C) of this section;</u>	859 860
<u>(E) The public children services agency or private child placing agency that has temporary or permanent custody of the child;</u>	861 862 863
<u>(F) Any person with an interest in the proceeding.</u>	864
<u>Sec. 3109.90.</u> (A) <u>As used in this section, "sibling" has the same meaning as in section 2151.411 of the Revised Code.</u>	865 866
<u>(B) Unless parental rights have been terminated, denied, or limited under sections 3109.50 to 3109.507 of the Revised Code, the termination or permanent divestiture of parental rights under this chapter or Chapter 2151., 3107., or 3127. of the Revised Code does not terminate sibling relationships.</u>	867 868 869 870 871
Sec. 3113.31. (A) As used in this section:	872
(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:	873 874
(a) Attempting to cause or recklessly causing bodily injury;	875 876
(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	877 878 879
(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	880 881 882
(d) Committing a sexually oriented offense.	883
(2) "Court" means the domestic relations division of the	884

court of common pleas in counties that have a domestic relations 885
division and the court of common pleas in counties that do not 886
have a domestic relations division, or the juvenile division of 887
the court of common pleas of the county in which the person to 888
be protected by a protection order issued or a consent agreement 889
approved under this section resides if the respondent is less 890
than eighteen years of age. 891

(3) "Family or household member" means any of the 892
following: 893

(a) Any of the following who is residing with or has 894
resided with the respondent: 895

(i) A spouse, a person living as a spouse, or a former 896
spouse of the respondent; 897

(ii) A parent, a foster parent, or a child of the 898
respondent, or another person related by consanguinity or 899
affinity to the respondent; 900

(iii) A parent or a child of a spouse, person living as a 901
spouse, or former spouse of the respondent, or another person 902
related by consanguinity or affinity to a spouse, person living 903
as a spouse, or former spouse of the respondent. 904

(b) The natural parent of any child of whom the respondent 905
is the other natural parent or is the putative other natural 906
parent. 907

(4) "Person living as a spouse" means a person who is 908
living or has lived with the respondent in a common law marital 909
relationship, who otherwise is cohabiting with the respondent, 910
or who otherwise has cohabited with the respondent within five 911
years prior to the date of the alleged occurrence of the act in 912
question. 913

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

(8) "Expunge" has the same meaning as in section 2903.213 of the Revised Code.

(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.

(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state:

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent, including a description of the nature and extent of the domestic violence;

(2) The relationship of the respondent to the petitioner, and to the victim if other than the petitioner;

(3) A request for relief under this section.

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The

court, for good cause shown at the ex parte hearing, may enter 942
any temporary orders, with or without bond, including, but not 943
limited to, an order described in division (E) (1) (a), (b), or 944
(c) of this section, that the court finds necessary to protect 945
the family or household member from domestic violence. Immediate 946
and present danger of domestic violence to the family or 947
household member constitutes good cause for purposes of this 948
section. Immediate and present danger includes, but is not 949
limited to, situations in which the respondent has threatened 950
the family or household member with bodily harm, in which the 951
respondent has threatened the family or household member with a 952
sexually oriented offense, or in which the respondent previously 953
has been convicted of, pleaded guilty to, or been adjudicated a 954
delinquent child for an offense that constitutes domestic 955
violence against the family or household member. 956

(2) (a) If the court, after an ex parte hearing, issues an 957
order described in division (E) (1) (b) or (c) of this section, 958
the court shall schedule a full hearing for a date that is 959
within seven court days after the ex parte hearing. If any other 960
type of protection order that is authorized under division (E) 961
of this section is issued by the court after an ex parte 962
hearing, the court shall schedule a full hearing for a date that 963
is within ten court days after the ex parte hearing. The court 964
shall give the respondent notice of, and an opportunity to be 965
heard at, the full hearing. The court shall hold the full 966
hearing on the date scheduled under this division unless the 967
court grants a continuance of the hearing in accordance with 968
this division. Under any of the following circumstances or for 969
any of the following reasons, the court may grant a continuance 970
of the full hearing to a reasonable time determined by the 971
court: 972

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.	973 974 975 976
(ii) The parties consent to the continuance.	977
(iii) The continuance is needed to allow a party to obtain counsel.	978 979
(iv) The continuance is needed for other good cause.	980
(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D) (2) (a) of this section or because the court grants a continuance under that division.	981 982 983 984 985
(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.	986 987 988 989 990 991
(E) (1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members. The order or agreement may:	992 993 994 995 996
(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members;	997 998 999
(b) Grant possession of the residence or household to the	1000

petitioner or other family or household member, to the exclusion 1001
of the respondent, by evicting the respondent, when the 1002
residence or household is owned or leased solely by the 1003
petitioner or other family or household member, or by ordering 1004
the respondent to vacate the premises, when the residence or 1005
household is jointly owned or leased by the respondent, and the 1006
petitioner or other family or household member; 1007

(c) When the respondent has a duty to support the 1008
petitioner or other family or household member living in the 1009
residence or household and the respondent is the sole owner or 1010
lessee of the residence or household, grant possession of the 1011
residence or household to the petitioner or other family or 1012
household member, to the exclusion of the respondent, by 1013
ordering the respondent to vacate the premises, or, in the case 1014
of a consent agreement, allow the respondent to provide 1015
suitable, alternative housing; 1016

(d) Temporarily allocate parental rights and 1017
responsibilities for the care of, or establish temporary 1018
parenting time rights with regard to, minor children, if no 1019
other court has determined, or is determining, the allocation of 1020
parental rights and responsibilities for the minor children or 1021
parenting time rights; 1022

(e) Require the respondent to maintain support, if the 1023
respondent customarily provides for or contributes to the 1024
support of the family or household member, or if the respondent 1025
has a duty to support the petitioner or family or household 1026
member; 1027

(f) Require the respondent, petitioner, victim of domestic 1028
violence, or any combination of those persons, to seek 1029
counseling; 1030

(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member;

(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or other family or household member and the apportionment of household and family personal property;

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

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

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

(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order, it also shall include in the order provisions of the type described in division (E) (7) of this section. This division does not preclude the court from including in a protection order or consent agreement, in circumstances other than those described in this division, a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment

of the petitioner or a family or household member, and, if the 1060
court includes any requirement of that type in an order or 1061
agreement, the court also shall include in the order provisions 1062
of the type described in division (E) (7) of this section. 1063

(3) (a) Any protection order issued or consent agreement 1064
approved under this section shall be valid until a date certain, 1065
but not later than five years from the date of its issuance or 1066
approval, or not later than the date a respondent who is less 1067
than eighteen years of age attains nineteen years of age, unless 1068
modified or terminated as provided in division (E) (8) of this 1069
section. 1070

(b) Subject to the limitation on the duration of an order 1071
or agreement set forth in division (E) (3) (a) of this section, 1072
any order under division (E) (1) (d) of this section shall 1073
terminate on the date that a court in an action for divorce, 1074
dissolution of marriage, or legal separation brought by the 1075
petitioner or respondent issues an order allocating parental 1076
rights and responsibilities for the care of children or on the 1077
date that a juvenile court in an action brought by the 1078
petitioner or respondent issues an order awarding legal custody 1079
of minor children. Subject to the limitation on the duration of 1080
an order or agreement set forth in division (E) (3) (a) of this 1081
section, any order under division (E) (1) (e) of this section 1082
shall terminate on the date that a court in an action for 1083
divorce, dissolution of marriage, or legal separation brought by 1084
the petitioner or respondent issues a support order or on the 1085
date that a juvenile court in an action brought by the 1086
petitioner or respondent issues a support order. 1087

(c) Any protection order issued or consent agreement 1088
approved pursuant to this section may be renewed in the same 1089

manner as the original order or agreement was issued or 1090
approved. 1091

(4) A court may not issue a protection order that requires 1092
a petitioner to do or to refrain from doing an act that the 1093
court may require a respondent to do or to refrain from doing 1094
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 1095
this section unless all of the following apply: 1096

(a) The respondent files a separate petition for a 1097
protection order in accordance with this section. 1098

(b) The petitioner is served notice of the respondent's 1099
petition at least forty-eight hours before the court holds a 1100
hearing with respect to the respondent's petition, or the 1101
petitioner waives the right to receive this notice. 1102

(c) If the petitioner has requested an ex parte order 1103
pursuant to division (D) of this section, the court does not 1104
delay any hearing required by that division beyond the time 1105
specified in that division in order to consolidate the hearing 1106
with a hearing on the petition filed by the respondent. 1107

(d) After a full hearing at which the respondent presents 1108
evidence in support of the request for a protection order and 1109
the petitioner is afforded an opportunity to defend against that 1110
evidence, the court determines that the petitioner has committed 1111
an act of domestic violence or has violated a temporary 1112
protection order issued pursuant to section 2919.26 of the 1113
Revised Code, that both the petitioner and the respondent acted 1114
primarily as aggressors, and that neither the petitioner nor the 1115
respondent acted primarily in self-defense. 1116

(5) No protection order issued or consent agreement 1117
approved under this section shall in any manner affect title to 1118

any real property. 1119

(6) (a) If a petitioner, or the child of a petitioner, who 1120
obtains a protection order or consent agreement pursuant to 1121
division (E) (1) of this section or a temporary protection order 1122
pursuant to section 2919.26 of the Revised Code and is the 1123
subject of a parenting time order issued pursuant to section 1124
3109.051 or 3109.12 of the Revised Code or a visitation or 1125
companionship order issued pursuant to section 3109.051, 1126
3109.11, ~~or 3109.12,~~ or 3109.18 to 3109.183 of the Revised Code 1127
or division (E) (1) (d) of this section granting parenting time 1128
rights to the respondent, the court may require the public 1129
children services agency of the county in which the court is 1130
located to provide supervision of the respondent's exercise of 1131
parenting time or visitation or companionship rights with 1132
respect to the child for a period not to exceed nine months, if 1133
the court makes the following findings of fact: 1134

(i) The child is in danger from the respondent; 1135

(ii) No other person or agency is available to provide the 1136
supervision. 1137

(b) A court that requires an agency to provide supervision 1138
pursuant to division (E) (6) (a) of this section shall order the 1139
respondent to reimburse the agency for the cost of providing the 1140
supervision, if it determines that the respondent has sufficient 1141
income or resources to pay that cost. 1142

(7) (a) If a protection order issued or consent agreement 1143
approved under this section includes a requirement that the 1144
respondent be evicted from or vacate the residence or household 1145
or refrain from entering the residence, school, business, or 1146
place of employment of the petitioner or a family or household 1147

member, the order or agreement shall state clearly that the 1148
order or agreement cannot be waived or nullified by an 1149
invitation to the respondent from the petitioner or other family 1150
or household member to enter the residence, school, business, or 1151
place of employment or by the respondent's entry into one of 1152
those places otherwise upon the consent of the petitioner or 1153
other family or household member. 1154

(b) Division (E) (7) (a) of this section does not limit any 1155
discretion of a court to determine that a respondent charged 1156
with a violation of section 2919.27 of the Revised Code, with a 1157
violation of a municipal ordinance substantially equivalent to 1158
that section, or with contempt of court, which charge is based 1159
on an alleged violation of a protection order issued or consent 1160
agreement approved under this section, did not commit the 1161
violation or was not in contempt of court. 1162

(8) (a) The court may modify or terminate as provided in 1163
division (E) (8) of this section a protection order or consent 1164
agreement that was issued after a full hearing under this 1165
section. The court that issued the protection order or approved 1166
the consent agreement shall hear a motion for modification or 1167
termination of the protection order or consent agreement 1168
pursuant to division (E) (8) of this section. 1169

(b) Either the petitioner or the respondent of the 1170
original protection order or consent agreement may bring a 1171
motion for modification or termination of a protection order or 1172
consent agreement that was issued or approved after a full 1173
hearing. The court shall require notice of the motion to be made 1174
as provided by the Rules of Civil Procedure. If the petitioner 1175
for the original protection order or consent agreement has 1176
requested that the petitioner's address be kept confidential, 1177

the court shall not disclose the address to the respondent of 1178
the original protection order or consent agreement or any other 1179
person, except as otherwise required by law. The moving party 1180
has the burden of proof to show, by a preponderance of the 1181
evidence, that modification or termination of the protection 1182
order or consent agreement is appropriate because either the 1183
protection order or consent agreement is no longer needed or 1184
because the terms of the original protection order or consent 1185
agreement are no longer appropriate. 1186

(c) In considering whether to modify or terminate a 1187
protection order or consent agreement issued or approved under 1188
this section, the court shall consider all relevant factors, 1189
including, but not limited to, the following: 1190

(i) Whether the petitioner consents to modification or 1191
termination of the protection order or consent agreement; 1192

(ii) Whether the petitioner fears the respondent; 1193

(iii) The current nature of the relationship between the 1194
petitioner and the respondent; 1195

(iv) The circumstances of the petitioner and respondent, 1196
including the relative proximity of the petitioner's and 1197
respondent's workplaces and residences and whether the 1198
petitioner and respondent have minor children together; 1199

(v) Whether the respondent has complied with the terms and 1200
conditions of the original protection order or consent 1201
agreement; 1202

(vi) Whether the respondent has a continuing involvement 1203
with illegal drugs or alcohol; 1204

(vii) Whether the respondent has been convicted of, 1205

pleaded guilty to, or been adjudicated a delinquent child for an 1206
offense of violence since the issuance of the protection order 1207
or approval of the consent agreement; 1208

(viii) Whether any other protection orders, consent 1209
agreements, restraining orders, or no contact orders have been 1210
issued against the respondent pursuant to this section, section 1211
2919.26 of the Revised Code, any other provision of state law, 1212
or the law of any other state; 1213

(ix) Whether the respondent has participated in any 1214
domestic violence treatment, intervention program, or other 1215
counseling addressing domestic violence and whether the 1216
respondent has completed the treatment, program, or counseling; 1217

(x) The time that has elapsed since the protection order 1218
was issued or since the consent agreement was approved; 1219

(xi) The age and health of the respondent; 1220

(xii) When the last incident of abuse, threat of harm, or 1221
commission of a sexually oriented offense occurred or other 1222
relevant information concerning the safety and protection of the 1223
petitioner or other protected parties. 1224

(d) If a protection order or consent agreement is modified 1225
or terminated as provided in division (E) (8) of this section, 1226
the court shall issue copies of the modified or terminated order 1227
or agreement as provided in division (F) of this section. A 1228
petitioner may also provide notice of the modification or 1229
termination to the judicial and law enforcement officials in any 1230
county other than the county in which the order or agreement is 1231
modified or terminated as provided in division (N) of this 1232
section. 1233

(e) If the respondent moves for modification or 1234

termination of a protection order or consent agreement pursuant 1235
to this section and the court denies the motion, the court may 1236
assess costs against the respondent for the filing of the 1237
motion. 1238

(9) Any protection order issued or any consent agreement 1239
approved pursuant to this section shall include a provision that 1240
the court will automatically seal all of the records of the 1241
proceeding in which the order is issued or agreement approved on 1242
the date the respondent attains the age of nineteen years unless 1243
the petitioner provides the court with evidence that the 1244
respondent has not complied with all of the terms of the 1245
protection order or consent agreement. The protection order or 1246
consent agreement shall specify the date when the respondent 1247
attains the age of nineteen years. 1248

(F) (1) A copy of any protection order, or consent 1249
agreement, that is issued, approved, modified, or terminated 1250
under this section shall be issued by the court to the 1251
petitioner, to the respondent, and to all law enforcement 1252
agencies that have jurisdiction to enforce the order or 1253
agreement. The court shall direct that a copy of an order be 1254
delivered to the respondent on the same day that the order is 1255
entered. 1256

(2) Upon the issuance of a protection order or the 1257
approval of a consent agreement under this section, the court 1258
shall provide the parties to the order or agreement with the 1259
following notice orally or by form: 1260

"NOTICE 1261

As a result of this order or consent agreement, it may be 1262
unlawful for you to possess or purchase a firearm, including a 1263

rifle, pistol, or revolver, or ammunition pursuant to federal 1264
law under 18 U.S.C. 922(g)(8). If you have any questions whether 1265
this law makes it illegal for you to possess or purchase a 1266
firearm or ammunition, you should consult an attorney." 1267

(3) All law enforcement agencies shall establish and 1268
maintain an index for the protection orders and the approved 1269
consent agreements delivered to the agencies pursuant to 1270
division (F)(1) of this section. With respect to each order and 1271
consent agreement delivered, each agency shall note on the index 1272
the date and time that it received the order or consent 1273
agreement. 1274

(4) Regardless of whether the petitioner has registered 1275
the order or agreement in the county in which the officer's 1276
agency has jurisdiction pursuant to division (N) of this 1277
section, any officer of a law enforcement agency shall enforce a 1278
protection order issued or consent agreement approved by any 1279
court in this state in accordance with the provisions of the 1280
order or agreement, including removing the respondent from the 1281
premises, if appropriate. 1282

(G)(1) Any proceeding under this section shall be 1283
conducted in accordance with the Rules of Civil Procedure, 1284
except that an order under this section may be obtained with or 1285
without bond. An order issued under this section, other than an 1286
ex parte order, that grants a protection order or approves a 1287
consent agreement, that refuses to grant a protection order or 1288
approve a consent agreement that modifies or terminates a 1289
protection order or consent agreement, or that refuses to modify 1290
or terminate a protection order or consent agreement, is a 1291
final, appealable order. The remedies and procedures provided in 1292
this section are in addition to, and not in lieu of, any other 1293

available civil or criminal remedies. 1294

(2) If as provided in division (G)(1) of this section an 1295
order issued under this section, other than an ex parte order, 1296
refuses to grant a protection order, the court, on its own 1297
motion, shall order that the ex parte order issued under this 1298
section and all of the records pertaining to that ex parte order 1299
be expunged after either of the following occurs: 1300

(a) The period of the notice of appeal from the order that 1301
refuses to grant a protection order has expired. 1302

(b) The order that refuses to grant the protection order 1303
is appealed and an appellate court to which the last appeal of 1304
that order is taken affirms the order. 1305

(H) The filing of proceedings under this section does not 1306
excuse a person from filing any report or giving any notice 1307
required by section 2151.421 of the Revised Code or by any other 1308
law. When a petition under this section alleges domestic 1309
violence against minor children, the court shall report the 1310
fact, or cause reports to be made, to a county, township, or 1311
municipal peace officer under section 2151.421 of the Revised 1312
Code. 1313

(I) Any law enforcement agency that investigates a 1314
domestic dispute shall provide information to the family or 1315
household members involved regarding the relief available under 1316
this section and section 2919.26 of the Revised Code. 1317

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 1318
section and regardless of whether a protection order is issued 1319
or a consent agreement is approved by a court of another county 1320
or a court of another state, no court or unit of state or local 1321
government shall charge the petitioner any fee, cost, deposit, 1322

or money in connection with the filing of a petition pursuant to 1323
this section or in connection with the filing, issuance, 1324
registration, modification, enforcement, dismissal, withdrawal, 1325
or service of a protection order, consent agreement, or witness 1326
subpoena or for obtaining a certified copy of a protection order 1327
or consent agreement. 1328

(2) Regardless of whether a protection order is issued or 1329
a consent agreement is approved pursuant to this section, the 1330
court may assess costs against the respondent in connection with 1331
the filing, issuance, registration, modification, enforcement, 1332
dismissal, withdrawal, or service of a protection order, consent 1333
agreement, or witness subpoena or for obtaining a certified copy 1334
of a protection order or consent agreement. 1335

(K) (1) The court shall comply with Chapters 3119., 3121., 1336
3123., and 3125. of the Revised Code when it makes or modifies 1337
an order for child support under this section. 1338

(2) If any person required to pay child support under an 1339
order made under this section on or after April 15, 1985, or 1340
modified under this section on or after December 31, 1986, is 1341
found in contempt of court for failure to make support payments 1342
under the order, the court that makes the finding, in addition 1343
to any other penalty or remedy imposed, shall assess all court 1344
costs arising out of the contempt proceeding against the person 1345
and require the person to pay any reasonable attorney's fees of 1346
any adverse party, as determined by the court, that arose in 1347
relation to the act of contempt. 1348

(L) (1) A person who violates a protection order issued or 1349
a consent agreement approved under this section is subject to 1350
the following sanctions: 1351

(a) Criminal prosecution or a delinquent child proceeding 1352
for a violation of section 2919.27 of the Revised Code, if the 1353
violation of the protection order or consent agreement 1354
constitutes a violation of that section; 1355

(b) Punishment for contempt of court. 1356

(2) The punishment of a person for contempt of court for 1357
violation of a protection order issued or a consent agreement 1358
approved under this section does not bar criminal prosecution of 1359
the person or a delinquent child proceeding concerning the 1360
person for a violation of section 2919.27 of the Revised Code. 1361
However, a person punished for contempt of court is entitled to 1362
credit for the punishment imposed upon conviction of or 1363
adjudication as a delinquent child for a violation of that 1364
section, and a person convicted of or adjudicated a delinquent 1365
child for a violation of that section shall not subsequently be 1366
punished for contempt of court arising out of the same activity. 1367

(M) In all stages of a proceeding under this section, a 1368
petitioner may be accompanied by a victim advocate. 1369

(N) (1) A petitioner who obtains a protection order or 1370
consent agreement under this section or a temporary protection 1371
order under section 2919.26 of the Revised Code may provide 1372
notice of the issuance or approval of the order or agreement to 1373
the judicial and law enforcement officials in any county other 1374
than the county in which the order is issued or the agreement is 1375
approved by registering that order or agreement in the other 1376
county pursuant to division (N) (2) of this section and filing a 1377
copy of the registered order or registered agreement with a law 1378
enforcement agency in the other county in accordance with that 1379
division. A person who obtains a protection order issued by a 1380
court of another state may provide notice of the issuance of the 1381

order to the judicial and law enforcement officials in any 1382
county of this state by registering the order in that county 1383
pursuant to section 2919.272 of the Revised Code and filing a 1384
copy of the registered order with a law enforcement agency in 1385
that county. 1386

(2) A petitioner may register a temporary protection 1387
order, protection order, or consent agreement in a county other 1388
than the county in which the court that issued the order or 1389
approved the agreement is located in the following manner: 1390

(a) The petitioner shall obtain a certified copy of the 1391
order or agreement from the clerk of the court that issued the 1392
order or approved the agreement and present that certified copy 1393
to the clerk of the court of common pleas or the clerk of a 1394
municipal court or county court in the county in which the order 1395
or agreement is to be registered. 1396

(b) Upon accepting the certified copy of the order or 1397
agreement for registration, the clerk of the court of common 1398
pleas, municipal court, or county court shall place an 1399
endorsement of registration on the order or agreement and give 1400
the petitioner a copy of the order or agreement that bears that 1401
proof of registration. 1402

(3) The clerk of each court of common pleas, the clerk of 1403
each municipal court, and the clerk of each county court shall 1404
maintain a registry of certified copies of temporary protection 1405
orders, protection orders, or consent agreements that have been 1406
issued or approved by courts in other counties and that have 1407
been registered with the clerk. 1408

(0) Nothing in this section prohibits the domestic 1409
relations division of a court of common pleas in counties that 1410

have a domestic relations division or a court of common pleas in 1411
counties that do not have a domestic relations division from 1412
designating a minor child as a protected party on a protection 1413
order or consent agreement. 1414

Section 2. That existing sections 2151.411, 3107.15, 1415
3109.051, 3109.11, and 3113.31 of the Revised Code are hereby 1416
repealed. 1417