

As Reported by the House Civil Justice Committee

134th General Assembly

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Am. Sub. S. B. No. 210

Senator Gavarone

Cosponsors: Senators Manning, Antonio, Blessing, Cirino, Hackett, Johnson, Maharath, McColley, Reineke, Schuring, Williams, Yuko Representative Hillyer

A BILL

To amend sections 1901.121, 1907.141, 2106.22, 1
3103.05, 3103.06, 3105.17, 3105.171, 3113.31, 2
and 3113.33; to enact section 3103.061; and to 3
repeal section 3105.72 of the Revised Code 4
regarding agreements affecting legal relations 5
between spouses; domestic violence protection 6
orders in a dating relationship; courts 7
maintaining Social Security numbers of parties 8
in divorce, dissolution, annulment, or spousal 9
support proceedings; and to remove the 10
population limit and in-territory residency 11
preference for appointing acting judges. 12

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

Section 1. That sections 1901.121, 1907.141, 2106.22, 13
3103.05, 3103.06, 3105.17, 3105.171, 3113.31, and 3113.33 be 14
amended and section 3103.061 of the Revised Code be enacted to 15
read as follows: 16

Sec. 1901.121. (A) (1) If a vacancy occurs in the office of 17
a judge of a municipal court that consists of only one judge or 18

if the judge of a municipal court of that nature is 19
incapacitated or unavailable due to disqualification, 20
suspension, or recusal, the chief justice of the supreme court 21
may assign a sitting judge of another court of record or a 22
retired judge of a court of record to temporarily serve on the 23
court in accordance with rules adopted by the supreme court 24
pursuant to division (A)(1) of Section 5 of Article IV, Ohio 25
Constitution. The assignee shall be styled "assigned judge" and 26
shall serve for any period of time the chief justice may 27
prescribe. 28

(2) If a judge of a municipal court that consists of only 29
one judge is otherwise temporarily absent for a reason other 30
than as specified in division (A)(1) of this section, the judge 31
may do either of the following: 32

(a) Appoint a substitute who is a resident of the 33
territory of the court or, ~~if the territory of the court has a~~ 34
~~population of less than twenty five thousand according to the~~ 35
~~latest federal decennial census and the judge is unable to~~ 36
~~appoint a substitute who is a resident of the territory of the~~ 37
~~court,~~ appoint a substitute who is a resident of the territory 38
of a municipal or county court that is contiguous to the court. 39
The appointee shall either be admitted to the practice of law in 40
this state and have been, for a total of at least six years 41
preceding appointment, engaged in the practice of law in this 42
state or a judge of a court of record in any jurisdiction in the 43
United States or be a retired judge of a court of record. The 44
appointee shall be styled "acting judge" and shall temporarily 45
serve on the court during the temporary absence of the incumbent 46
judge. 47

(b) Request the chief justice of the supreme court to 48

assign a sitting judge of another court of record or a retired 49
judge of a court of record to temporarily serve on the court in 50
accordance with rules adopted by the supreme court pursuant to 51
division (A) (1) of Section 5 of Article IV, Ohio Constitution. 52
The assignee shall be styled "assigned judge" and shall serve 53
for any period of time the chief justice may prescribe. 54

(B) If a vacancy occurs in the office of a judge of a 55
municipal court that consists of two judges or if a judge of a 56
municipal court of that nature is incapacitated, unavailable, or 57
temporarily absent, the presiding judge may do either of the 58
following: 59

(1) Appoint a substitute who is a resident of the 60
territory of the court or, ~~if the territory of the court has a~~ 61
~~population of less than twenty five thousand according to the~~ 62
~~latest federal decennial census and the judge is unable to~~ 63
~~appoint a substitute who is a resident of the territory of the~~ 64
~~court,~~ appoint a substitute who is a resident of the territory 65
of a municipal or county court that is contiguous to the court. 66
The appointee shall either be admitted to the practice of law in 67
this state and have been, for a total of at least six years 68
preceding appointment, engaged in the practice of law in this 69
state or a judge of a court of record in any jurisdiction in the 70
United States or be a retired judge of a court of record. The 71
appointee shall be styled "acting judge" and shall temporarily 72
serve on the court during the vacancy or the incapacity, 73
unavailability, or temporary absence of the incumbent judge. 74

(2) Request the chief justice of the supreme court to 75
assign a sitting judge of another court of record or a retired 76
judge of a court of record to temporarily serve on the court in 77
accordance with rules adopted by the supreme court pursuant to 78

division (A) (1) of Section 5 of Article IV, Ohio Constitution. 79
The assignee shall be styled "assigned judge" and shall serve 80
for any period of time the chief justice may prescribe. 81

(C) If a vacancy occurs in the office of a judge of a 82
municipal court that consists of three or more judges or if a 83
judge of a municipal court of that nature is incapacitated, 84
unavailable, or temporarily absent, the presiding judge may do 85
either of the following: 86

(1) If no other judge of the court is available to perform 87
the duties of the judge, appoint a substitute who is a resident 88
of the territory of the court. The appointee shall either be 89
admitted to the practice of law in this state and have been, for 90
a total of at least six years preceding appointment, engaged in 91
the practice of law in this state or a judge of a court of 92
record in any jurisdiction in the United States or be a retired 93
judge of a court of record. The appointee shall be styled 94
"acting judge" and shall temporarily serve on the court during 95
the vacancy or the incapacity, unavailability, or temporary 96
absence of the incumbent judge. 97

(2) Request the chief justice of the supreme court to 98
assign a sitting judge of another court of record or a retired 99
judge of a court of record to temporarily serve on the court in 100
accordance with rules adopted by the supreme court pursuant to 101
division (A) (1) of Section 5 of Article IV, Ohio Constitution. 102
The assignee shall be styled "assigned judge" and shall serve 103
for any period of time the chief justice may prescribe. 104

(D) When the volume of cases pending in any municipal 105
court necessitates an additional judge, the judge, if the court 106
consists of a single judge, or the presiding judge, if the court 107
consists of two or more judges, may request the chief justice of 108

the supreme court to assign a sitting judge of another court of 109
record or a retired judge of a court of record to temporarily 110
serve on the court in accordance with rules adopted by the 111
supreme court pursuant to division (A) (1) of Section 5 of 112
Article IV, Ohio Constitution. The appointee shall be styled 113
"assigned judge" and shall serve for any period of time the 114
chief justice may prescribe. 115

(E) An acting judge appointed pursuant to division (A) (2) 116
(a), (B) (1), or (C) (1) of this section and an assigned judge 117
assigned pursuant to division (A) (1), (A) (2) (b), (B) (2), (C) (2), 118
or (D) of this section shall have the jurisdiction and 119
adjudicatory powers conferred upon the judge of the municipal 120
court. During the time of service, the acting judge or assigned 121
judge shall sign all process and records and shall perform all 122
acts pertaining to the office, except that of removal and 123
appointment of officers of the municipal court. All courts shall 124
take judicial notice of the selection and powers of the acting 125
judge or assigned judge. 126

Sec. 1907.141. (A) (1) If a vacancy occurs in the office of 127
a judge of a county court that consists of only one judge or if 128
the judge of a county court of that nature is incapacitated or 129
unavailable due to disqualification, suspension, or recusal, the 130
chief justice of the supreme court may assign a sitting judge of 131
another court of record or a retired judge of a court of record 132
to temporarily serve on the court in accordance with rules 133
adopted by the supreme court pursuant to division (A) (1) of 134
Section 5 of Article IV, Ohio Constitution. The assignee shall 135
be styled "assigned judge" and shall serve for any period of 136
time the chief justice may prescribe. 137

(2) If a judge of a county court that consists of only one 138

judge is temporarily absent for a reason other than as specified 139
in division (A) (1) of this section, the judge may do either of 140
the following: 141

(a) Appoint a substitute who is a resident of the 142
territory of the court or, ~~if the territory of the court has a~~ 143
~~population of less than twenty five thousand according to the~~ 144
~~latest federal decennial census and the judge is unable to~~ 145
~~appoint a substitute who is a resident of the territory of the~~ 146
~~court,~~ appoint a substitute who is a resident of the territory 147
of a municipal or county court that is contiguous to the court. 148
The appointee shall either be admitted to the practice of law in 149
this state and have been, for a total of at least six years 150
preceding appointment, engaged in the practice of law in this 151
state or a judge of a court of record in any jurisdiction in the 152
United States or be a retired judge of a court of record. The 153
appointee shall be styled "acting judge" and shall temporarily 154
serve on the court during the temporary absence of the incumbent 155
judge. 156

(b) Request the chief justice of the supreme court to 157
assign a sitting judge of another court of record or a retired 158
judge of a court of record to temporarily serve on the court in 159
accordance with rules adopted by the supreme court pursuant to 160
division (A) (1) of Section 5 of Article IV, Ohio Constitution. 161
The assignee shall be styled "assigned judge" and shall serve 162
for any period of time the chief justice may prescribe. 163

(B) If a vacancy occurs in the office of a judge of a 164
county court that consists of two judges or if a judge of a 165
county court of that nature is incapacitated, unavailable, or 166
temporarily absent, the presiding judge may do either of the 167
following: 168

(1) Appoint a substitute who is a resident of the 169
territory of the court or, ~~if the territory of the court has a~~ 170
~~population of less than twenty-five thousand according to the~~ 171
~~latest federal decennial census and the judge is unable to~~ 172
~~appoint a substitute who is a resident of the territory of the~~ 173
~~court,~~ appoint a substitute who is a resident of the territory 174
of a municipal or county court that is contiguous to the court. 175
The appointee shall either be admitted to the practice of law in 176
this state and have been, for a total of at least six years 177
preceding appointment, engaged in the practice of law in this 178
state or a judge of a court of record in any jurisdiction in the 179
United States or be a retired judge of a court of record. The 180
appointee shall be styled "acting judge" and shall temporarily 181
serve on the court during the vacancy or the incapacity, 182
unavailability, or temporary absence of the incumbent judge. 183

(2) Request the chief justice of the supreme court to 184
assign a sitting judge of another court of record or a retired 185
judge of a court of record to temporarily serve on the court in 186
accordance with rules adopted by the supreme court pursuant to 187
division (A)(1) of Section 5 of Article IV, Ohio Constitution. 188
The assignee shall be styled "assigned judge" and shall serve 189
for any period of time the chief justice may prescribe. 190

(C) If a vacancy occurs in the office of a judge of a 191
county court that consists of three or more judges or if a judge 192
of a county court of that nature is incapacitated, unavailable, 193
or temporarily absent, the presiding judge may do either of the 194
following: 195

(1) If no other judge of the court is available to perform 196
the duties of the judge, appoint a substitute who is a resident 197
of the territory of the court. The appointee shall either be 198

admitted to the practice of law in this state and have been, for 199
a total of at least six years preceding appointment, engaged in 200
the practice of law in this state or a judge of a court of 201
record in any jurisdiction in the United States or be a retired 202
judge of a court of record. The appointee shall be styled 203
"acting judge" and shall temporarily serve on the court during 204
the vacancy or the incapacity, unavailability, or temporary 205
absence of the incumbent judge. 206

(2) Request the chief justice of the supreme court to 207
assign a sitting judge of another court of record or a retired 208
judge of a court of record to temporarily serve on the court in 209
accordance with rules adopted by the supreme court pursuant to 210
division (A)(1) of Section 5 of Article IV, Ohio Constitution. 211
The assignee shall be styled "assigned judge" and shall serve 212
for any period of time the chief justice may prescribe. 213

(D) An acting judge appointed pursuant to division (A)(2) 214
(a), (B)(1), or (C)(1) of this section and an assigned judge 215
assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), or (C) 216
(2) of this section shall have the jurisdiction and adjudicatory 217
powers conferred upon the judge of the county court. During the 218
time of service, the acting judge or assigned judge shall sign 219
all process and records and shall perform all acts pertaining to 220
the office, except that of removal and appointment of officers 221
of the court. All courts shall take judicial notice of the 222
selection and powers of the acting judge or assigned judge. 223

Sec. 2106.22. Any antenuptial, postnuptial, or separation 224
agreement to which a decedent was a party is valid unless an 225
action to set it aside is commenced within four months after the 226
appointment of the executor or administrator of the estate of 227
the decedent, or unless, within the four-month period, the 228

validity of the agreement otherwise is attacked. 229

Sec. 3103.05. (A) A husband or wife may enter into any 230
engagement agreement or transaction with the either of the 231
following: 232

(1) The other spouse, or with any subject to the general 233
rules that control the actions of persons occupying the 234
confidential relations with each other; 235

(2) With any other person, which either might if 236
unmarried; subject, in transactions between themselves, to the 237
general rules which control the actions of persons occupying 238
confidential relations with each other. 239

(B) An agreement under division (A) (1) of this section 240
that alters the legal relations between the spouses shall comply 241
with section 3103.061 of the Revised Code. 242

Sec. 3103.06. (A) A husband and wife cannot may, by any 243
contract with each other, alter do any of the following: 244

(1) Enter into a postnuptial agreement that alters their 245
legal relations, except that they may agree with each other; 246

(2) Modify or terminate an antenuptial or postnuptial 247
agreement or any other agreement that alters their legal 248
relations with each other; 249

(3) Agree to an immediate separation and make provisions 250
for the division of property and support of either of them and 251
their children during the separation. 252

(B) An agreement under division (A) (1) or (2) of this 253
section shall comply with section 3103.061 of the Revised Code. 254

Sec. 3103.061. Any agreement altering legal relations 255

between spouses established under division (A) (1) of section 256
3103.05 or division (A) (1) or (2) of section 3103.06 of the 257
Revised Code shall be valid and enforceable, with or without 258
consideration, if all of the following apply: 259

(A) The agreement is in writing and signed by both 260
spouses; 261

(B) The agreement is entered into freely without fraud, 262
duress, coercion, or overreaching; 263

(C) There was full disclosure, or full knowledge, and 264
understanding of the nature, value, and extent of the property 265
of both spouses; 266

(D) The terms do not promote or encourage divorce or 267
profiteering by divorce. 268

Sec. 3105.17. (A) Either party to the marriage may file a 269
complaint for divorce or for legal separation, and when filed 270
the other may file a counterclaim for divorce or for legal 271
separation. The court of common pleas may grant divorces for the 272
causes set forth in section 3105.01 of the Revised Code. The 273
court of common pleas may grant legal separation on a complaint 274
or counterclaim, regardless of whether the parties are living 275
separately at the time the complaint or counterclaim is filed, 276
for the following causes: 277

(1) Either party had a husband or wife living at the time 278
of the marriage from which legal separation is sought; 279

(2) Willful absence of the adverse party for one year; 280

(3) Adultery; 281

(4) Extreme cruelty; 282

(5) Fraudulent contract;	283
(6) Any gross neglect of duty;	284
(7) Habitual drunkenness;	285
(8) Imprisonment of the adverse party in a state or federal correctional institution at the time of filing the complaint;	286 287 288
(9) On the application of either party, when husband and wife have, without interruption for one year, lived separate and apart without cohabitation;	289 290 291
(10) Incompatibility, unless denied by either party.	292
(B) The filing of a complaint or counterclaim for legal separation or the granting of a decree of legal separation under this section does not bar either party from filing a complaint or counterclaim for a divorce or annulment or obtaining a divorce or annulment.	293 294 295 296 297
<u>(C) A decree of legal separation may be terminated by the court upon a motion signed by both spouses.</u>	298 299
Sec. 3105.171. (A) As used in this section:	300
(1) "Distributive award" means any payment or payments, in real or personal property, that are payable in a lump sum or over time, in fixed amounts, that are made from separate property or income, and that are not made from marital property and do not constitute payments of spousal support, as defined in section 3105.18 of the Revised Code.	301 302 303 304 305 306
(2) "During the marriage" means whichever of the following is applicable:	307 308
(a) Except as provided in division (A) (2) (b) of this	309

section, the period of time from the date of the marriage 310
through the date of the final hearing in an action for divorce 311
or in an action for legal separation; 312

(b) If the court determines that the use of either or both 313
of the dates specified in division (A)(2)(a) of this section 314
would be inequitable, the court may select dates that it 315
considers equitable in determining marital property. If the 316
court selects dates that it considers equitable in determining 317
marital property, "during the marriage" means the period of time 318
between those dates selected and specified by the court. 319

(3)(a) "Marital property" means, subject to division (A) 320
(3)(b) of this section, all of the following: 321

(i) All real and personal property that currently is owned 322
by either or both of the spouses, including, but not limited to, 323
the retirement benefits of the spouses, and that was acquired by 324
either or both of the spouses during the marriage; 325

(ii) All interest that either or both of the spouses 326
currently has in any real or personal property, including, but 327
not limited to, the retirement benefits of the spouses, and that 328
was acquired by either or both of the spouses during the 329
marriage; 330

(iii) Except as otherwise provided in this section, all 331
income and appreciation on separate property, due to the labor, 332
monetary, or in-kind contribution of either or both of the 333
spouses that occurred during the marriage; 334

(iv) A participant account, as defined in section 148.01 335
of the Revised Code, of either of the spouses, to the extent of 336
the following: the moneys that have been deferred by a 337
continuing member or participating employee, as defined in that 338

section, and that have been transmitted to the Ohio public 339
employees deferred compensation board during the marriage and 340
any income that is derived from the investment of those moneys 341
during the marriage; the moneys that have been deferred by an 342
officer or employee of a municipal corporation and that have 343
been transmitted to the governing board, administrator, 344
depository, or trustee of the deferred compensation program of 345
the municipal corporation during the marriage and any income 346
that is derived from the investment of those moneys during the 347
marriage; or the moneys that have been deferred by an officer or 348
employee of a government unit, as defined in section 148.06 of 349
the Revised Code, and that have been transmitted to the 350
governing board, as defined in that section, during the marriage 351
and any income that is derived from the investment of those 352
moneys during the marriage. 353

(b) "Marital property" does not include any separate 354
property. 355

(4) "Passive income" means income acquired other than as a 356
result of the labor, monetary, or in-kind contribution of either 357
spouse. 358

(5) "Personal property" includes both tangible and 359
intangible personal property. 360

(6) (a) "Separate property" means all real and personal 361
property and any interest in real or personal property that is 362
found by the court to be any of the following: 363

(i) An inheritance by one spouse by bequest, devise, or 364
descent during the course of the marriage; 365

(ii) Any real or personal property or interest in real or 366
personal property that was acquired by one spouse prior to the 367

date of the marriage;	368
(iii) Passive income and appreciation acquired from separate property by one spouse during the marriage;	369 370
(iv) Any real or personal property or interest in real or personal property acquired by one spouse after a decree of legal separation issued under section 3105.17 of the Revised Code;	371 372 373
(v) Any real or personal property or interest in real or personal property that is excluded by a valid antenuptial <u>or</u> <u>postnuptial</u> agreement;	374 375 376
(vi) Compensation to a spouse for the spouse's personal injury, except for loss of marital earnings and compensation for expenses paid from marital assets;	377 378 379
(vii) Any gift of any real or personal property or of an interest in real or personal property that is made after the date of the marriage and that is proven by clear and convincing evidence to have been given to only one spouse.	380 381 382 383
(b) The commingling of separate property with other property of any type does not destroy the identity of the separate property as separate property, except when the separate property is not traceable.	384 385 386 387
(B) In divorce proceedings, the court shall, and in legal separation proceedings upon the request of either spouse, the court may, determine what constitutes marital property and what constitutes separate property. In either case, upon making such a determination, the court shall divide the marital and separate property equitably between the spouses, in accordance with this section. For purposes of this section, the court has jurisdiction over all property, excluding the social security benefits of a spouse other than as set forth in division (F) (9)	388 389 390 391 392 393 394 395 396

of this section, in which one or both spouses have an interest. 397

(C) (1) Except as provided in this division or division (E) 398
of this section, the division of marital property shall be 399
equal. If an equal division of marital property would be 400
inequitable, the court shall not divide the marital property 401
equally but instead shall divide it between the spouses in the 402
manner the court determines equitable. In making a division of 403
marital property, the court shall consider all relevant factors, 404
including those set forth in division (F) of this section. 405

(2) Each spouse shall be considered to have contributed 406
equally to the production and acquisition of marital property. 407

(3) The court shall provide for an equitable division of 408
marital property under this section prior to making any award of 409
spousal support to either spouse under section 3105.18 of the 410
Revised Code and without regard to any spousal support so 411
awarded. 412

(4) If the marital property includes a participant 413
account, as defined in section 148.01 of the Revised Code, the 414
court shall not order the division or disbursement of the moneys 415
and income described in division (A) (3) (a) (iv) of this section 416
to occur in a manner that is inconsistent with the law, rules, 417
or plan governing the deferred compensation program involved or 418
prior to the time that the spouse in whose name the participant 419
account is maintained commences receipt of the moneys and income 420
credited to the account in accordance with that law, rules, and 421
plan. 422

(D) Except as otherwise provided in division (E) of this 423
section or by another provision of this section, the court shall 424
disburse a spouse's separate property to that spouse. If a court 425

does not disburse a spouse's separate property to that spouse, 426
the court shall make written findings of fact that explain the 427
factors that it considered in making its determination that the 428
spouse's separate property should not be disbursed to that 429
spouse. 430

(E) (1) The court may make a distributive award to 431
facilitate, effectuate, or supplement a division of marital 432
property. The court may require any distributive award to be 433
secured by a lien on the payor's specific marital property or 434
separate property. 435

(2) The court may make a distributive award in lieu of a 436
division of marital property in order to achieve equity between 437
the spouses, if the court determines that a division of the 438
marital property in kind or in money would be impractical or 439
burdensome. 440

(3) The court shall require each spouse to disclose in a 441
full and complete manner all marital property, separate 442
property, and other assets, debts, income, and expenses of the 443
spouse. 444

(4) If a spouse has engaged in financial misconduct, 445
including, but not limited to, the dissipation, destruction, 446
concealment, nondisclosure, or fraudulent disposition of assets, 447
the court may compensate the offended spouse with a distributive 448
award or with a greater award of marital property. 449

(5) If a spouse has substantially and willfully failed to 450
disclose marital property, separate property, or other assets, 451
debts, income, or expenses as required under division (E) (3) of 452
this section, the court may compensate the offended spouse with 453
a distributive award or with a greater award of marital property 454

not to exceed three times the value of the marital property, 455
separate property, or other assets, debts, income, or expenses 456
that are not disclosed by the other spouse. 457

(F) In making a division of marital property and in 458
determining whether to make and the amount of any distributive 459
award under this section, the court shall consider all of the 460
following factors: 461

(1) The duration of the marriage; 462

(2) The assets and liabilities of the spouses; 463

(3) The desirability of awarding the family home, or the 464
right to reside in the family home for reasonable periods of 465
time, to the spouse with custody of the children of the 466
marriage; 467

(4) The liquidity of the property to be distributed; 468

(5) The economic desirability of retaining intact an asset 469
or an interest in an asset; 470

(6) The tax consequences of the property division upon the 471
respective awards to be made to each spouse; 472

(7) The costs of sale, if it is necessary that an asset be 473
sold to effectuate an equitable distribution of property; 474

(8) Any division or disbursement of property made in a 475
separation agreement that was voluntarily entered into by the 476
spouses; 477

(9) Any retirement benefits of the spouses, excluding the 478
social security benefits of a spouse except as may be relevant 479
for purposes of dividing a public pension; 480

(10) Any other factor that the court expressly finds to be 481

relevant and equitable. 482

(G) In any order for the division or disbursement of 483
property or a distributive award made pursuant to this section, 484
the court shall make written findings of fact that support the 485
determination that the marital property has been equitably 486
divided and shall specify the dates it used in determining the 487
meaning of "during the marriage." 488

(H) Except as otherwise provided in this section, the 489
holding of title to property by one spouse individually or by 490
both spouses in a form of co-ownership does not determine 491
whether the property is marital property or separate property. 492

(I) A division or disbursement of property or a 493
distributive award made under this section is not subject to 494
future modification by the court except upon the express written 495
consent or agreement to the modification by both spouses. 496

(J) The court may issue any orders under this section that 497
it determines equitable, including, but not limited to, either 498
of the following types of orders: 499

(1) An order granting a spouse the right to use the 500
marital dwelling or any other marital property or separate 501
property for any reasonable period of time; 502

(2) An order requiring the sale or encumbering of any 503
real or personal property, with the proceeds from the sale and 504
the funds from any loan secured by the encumbrance to be applied 505
as determined by the court. 506

Sec. 3113.31. (A) As used in this section: 507

(1) "Domestic violence" means any of the following: 508

(a) The occurrence of one or more of the following acts 509

against a family or household member:	510
(i) Attempting to cause or recklessly causing bodily injury;	511 512
(ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	513 514 515
(iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	516 517 518
(iv) Committing a sexually oriented offense.	519
(b) The occurrence of one or more of the acts identified in divisions (A) (1) (a) (i) to (iv) of this section against a person with whom the respondent is or was in a dating relationship.	520 521 522 523
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age.	524 525 526 527 528 529 530 531
(3) "Family or household member" means any of the following:	532 533
(a) Any of the following who is residing with or has resided with the respondent:	534 535
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	536 537

(ii) A parent, a foster parent, or a child of the	538
respondent, or another person related by consanguinity or	539
affinity to the respondent;	540
(iii) A parent or a child of a spouse, person living as a	541
spouse, or former spouse of the respondent, or another person	542
related by consanguinity or affinity to a spouse, person living	543
as a spouse, or former spouse of the respondent.	544
(b) The natural parent of any child of whom the respondent	545
is the other natural parent or is the putative other natural	546
parent.	547
(4) "Person living as a spouse" means a person who is	548
living or has lived with the respondent in a common law marital	549
relationship, who otherwise is cohabiting with the respondent,	550
or who otherwise has cohabited with the respondent within five	551
years prior to the date of the alleged occurrence of the act in	552
question.	553
(5) "Victim advocate" means a person who provides support	554
and assistance for a person who files a petition under this	555
section.	556
(6) "Sexually oriented offense" has the same meaning as in	557
section 2950.01 of the Revised Code.	558
(7) "Companion animal" has the same meaning as in section	559
959.131 of the Revised Code.	560
(8) "Dating relationship" means a relationship between	561
individuals who have, or have had, a relationship of a romantic	562
or intimate nature. "Dating relationship" does not include a	563
casual acquaintanceship or ordinary fraternization in a business	564
or social context.	565

(9) "Person with whom the respondent is or was in a dating relationship" means an ~~adult~~ individual who, at the time of the conduct in question, is in a dating relationship with the respondent who ~~also~~ is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with the respondent who ~~also~~ is an adult.

(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 or against a person with whom the respondent is or was in a dating relationship, including a description of the nature and extent of the domestic violence;

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

(3) If the petition is for protection of a person with whom the respondent is or was in a dating relationship, the facts upon which the court may conclude that a dating relationship existed between the person to be protected and the respondent;

(4) 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 595
parte hearing on the same day that the petition is filed. The 596
court, for good cause shown at the ex parte hearing, may enter 597
any temporary orders, with or without bond, including, but not 598
limited to, an order described in division (E)(1)(a), (b), or 599
(c) of this section, that the court finds necessary to protect 600
the family or household member or the person with whom the 601
respondent is or was in a dating relationship from domestic 602
violence. Immediate and present danger of domestic violence to 603
the family or household member or to the person with whom the 604
respondent is or was in a dating relationship constitutes good 605
cause for purposes of this section. Immediate and present danger 606
includes, but is not limited to, situations in which the 607
respondent has threatened the family or household member or 608
person with whom the respondent is or was in a dating 609
relationship with bodily harm, in which the respondent has 610
threatened the family or household member or person with whom 611
the respondent is or was in a dating relationship with a 612
sexually oriented offense, or in which the respondent previously 613
has been convicted of, pleaded guilty to, or been adjudicated a 614
delinquent child for an offense that constitutes domestic 615
violence against the family or household member or person with 616
whom the respondent is or was in a dating relationship. 617

(2) (a) If the court, after an ex parte hearing, issues an 618
order described in division (E)(1)(b) or (c) of this section, 619
the court shall schedule a full hearing for a date that is 620
within seven court days after the ex parte hearing. If any other 621
type of protection order that is authorized under division (E) 622
of this section is issued by the court after an ex parte 623
hearing, the court shall schedule a full hearing for a date that 624
is within ten court days after the ex parte hearing. The court 625

shall give the respondent notice of, and an opportunity to be 626
heard at, the full hearing. The court shall hold the full 627
hearing on the date scheduled under this division unless the 628
court grants a continuance of the hearing in accordance with 629
this division. Under any of the following circumstances or for 630
any of the following reasons, the court may grant a continuance 631
of the full hearing to a reasonable time determined by the 632
court: 633

(i) Prior to the date scheduled for the full hearing under 634
this division, the respondent has not been served with the 635
petition filed pursuant to this section and notice of the full 636
hearing. 637

(ii) The parties consent to the continuance. 638

(iii) The continuance is needed to allow a party to obtain 639
counsel. 640

(iv) The continuance is needed for other good cause. 641

(b) An ex parte order issued under this section does not 642
expire because of a failure to serve notice of the full hearing 643
upon the respondent before the date set for the full hearing 644
under division (D) (2) (a) of this section or because the court 645
grants a continuance under that division. 646

(3) If a person who files a petition pursuant to this 647
section does not request an ex parte order, or if a person 648
requests an ex parte order but the court does not issue an ex 649
parte order after an ex parte hearing, the court shall proceed 650
as in a normal civil action and grant a full hearing on the 651
matter. 652

(E) (1) After an ex parte or full hearing, the court may 653
grant any protection order, with or without bond, or approve any 654

consent agreement to bring about a cessation of domestic 655
violence against the family or household members or persons with 656
whom the respondent is or was in a dating relationship. The 657
order or agreement may: 658

(a) Direct the respondent to refrain from abusing or from 659
committing sexually oriented offenses against the family or 660
household members or persons with whom the respondent is or was 661
in a dating relationship; 662

(b) With respect to a petition involving family or 663
household members, grant possession of the residence or 664
household to the petitioner or other family or household member, 665
to the exclusion of the respondent, by evicting the respondent, 666
when the residence or household is owned or leased solely by the 667
petitioner or other family or household member, or by ordering 668
the respondent to vacate the premises, when the residence or 669
household is jointly owned or leased by the respondent, and the 670
petitioner or other family or household member; 671

(c) With respect to a petition involving family or 672
household members, when the respondent has a duty to support the 673
petitioner or other family or household member living in the 674
residence or household and the respondent is the sole owner or 675
lessee of the residence or household, grant possession of the 676
residence or household to the petitioner or other family or 677
household member, to the exclusion of the respondent, by 678
ordering the respondent to vacate the premises, or, in the case 679
of a consent agreement, allow the respondent to provide 680
suitable, alternative housing; 681

(d) With respect to a petition involving family or 682
household members, temporarily allocate parental rights and 683
responsibilities for the care of, or establish temporary 684

parenting time rights with regard to, minor children, if no 685
other court has determined, or is determining, the allocation of 686
parental rights and responsibilities for the minor children or 687
parenting time rights; 688

(e) With respect to a petition involving family or 689
household members, require the respondent to maintain support, 690
if the respondent customarily provides for or contributes to the 691
support of the family or household member, or if the respondent 692
has a duty to support the petitioner or family or household 693
member; 694

(f) Require the respondent, petitioner, victim of domestic 695
violence, or any combination of those persons, to seek 696
counseling; 697

(g) Require the respondent to refrain from entering the 698
residence, school, business, or place of employment of the 699
petitioner or, with respect to a petition involving family or 700
household members, a family or household member; 701

(h) Grant other relief that the court considers equitable 702
and fair, including, but not limited to, ordering the respondent 703
to permit the use of a motor vehicle by the petitioner or, with 704
respect to a petition involving family or household members, 705
other family or household members and the apportionment of 706
household and family personal property; 707

(i) Require that the respondent not remove, damage, hide, 708
harm, or dispose of any companion animal owned or possessed by 709
the petitioner; 710

(j) Authorize the petitioner to remove a companion animal 711
owned by the petitioner from the possession of the respondent; 712

(k) Require a wireless service transfer in accordance with 713

sections 3113.45 to 3113.459 of the Revised Code. 714

(2) If a protection order has been issued pursuant to this 715
section in a prior action involving the respondent and the 716
petitioner or, with respect to a petition involving family or 717
household members, one or more of the family or household 718
members or victims, the court may include in a protection order 719
that it issues a prohibition against the respondent returning to 720
the residence or household. If it includes a prohibition against 721
the respondent returning to the residence or household in the 722
order, it also shall include in the order provisions of the type 723
described in division (E) (7) of this section. This division does 724
not preclude the court from including in a protection order or 725
consent agreement, in circumstances other than those described 726
in this division, a requirement that the respondent be evicted 727
from or vacate the residence or household or refrain from 728
entering the residence, school, business, or place of employment 729
of the petitioner or, with respect to a petition involving 730
family or household members, a family or household member, and, 731
if the court includes any requirement of that type in an order 732
or agreement, the court also shall include in the order 733
provisions of the type described in division (E) (7) of this 734
section. 735

(3) (a) Any protection order issued or consent agreement 736
approved under this section shall be valid until a date certain, 737
but not later than five years from the date of its issuance or 738
approval, or not later than the date a respondent who is less 739
than eighteen years of age attains nineteen years of age, unless 740
modified or terminated as provided in division (E) (8) of this 741
section. 742

(b) With respect to an order involving family or household 743

members, subject to the limitation on the duration of an order 744
or agreement set forth in division (E) (3) (a) of this section, 745
any order under division (E) (1) (d) of this section shall 746
terminate on the date that a court in an action for divorce, 747
dissolution of marriage, or legal separation brought by the 748
petitioner or respondent issues an order allocating parental 749
rights and responsibilities for the care of children or on the 750
date that a juvenile court in an action brought by the 751
petitioner or respondent issues an order awarding legal custody 752
of minor children. Subject to the limitation on the duration of 753
an order or agreement set forth in division (E) (3) (a) of this 754
section, any order under division (E) (1) (e) of this section 755
shall terminate on the date that a court in an action for 756
divorce, dissolution of marriage, or legal separation brought by 757
the petitioner or respondent issues a support order or on the 758
date that a juvenile court in an action brought by the 759
petitioner or respondent issues a support order. 760

(c) Any protection order issued or consent agreement 761
approved pursuant to this section may be renewed in the same 762
manner as the original order or agreement was issued or 763
approved. 764

(4) A court may not issue a protection order that requires 765
a petitioner to do or to refrain from doing an act that the 766
court may require a respondent to do or to refrain from doing 767
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 768
this section unless all of the following apply: 769

(a) The respondent files a separate petition for a 770
protection order in accordance with this section. 771

(b) The petitioner is served notice of the respondent's 772
petition at least forty-eight hours before the court holds a 773

hearing with respect to the respondent's petition, or the 774
petitioner waives the right to receive this notice. 775

(c) If the petitioner has requested an ex parte order 776
pursuant to division (D) of this section, the court does not 777
delay any hearing required by that division beyond the time 778
specified in that division in order to consolidate the hearing 779
with a hearing on the petition filed by the respondent. 780

(d) After a full hearing at which the respondent presents 781
evidence in support of the request for a protection order and 782
the petitioner is afforded an opportunity to defend against that 783
evidence, the court determines that the petitioner has committed 784
an act of domestic violence or has violated a temporary 785
protection order issued pursuant to section 2919.26 of the 786
Revised Code, that both the petitioner and the respondent acted 787
primarily as aggressors, and that neither the petitioner nor the 788
respondent acted primarily in self-defense. 789

(5) No protection order issued or consent agreement 790
approved under this section shall in any manner affect title to 791
any real property. 792

(6) (a) With respect to an order involving family or 793
household members, if a petitioner, or the child of a 794
petitioner, who obtains a protection order or consent agreement 795
pursuant to division (E) (1) of this section or a temporary 796
protection order pursuant to section 2919.26 of the Revised Code 797
and is the subject of a parenting time order issued pursuant to 798
section 3109.051 or 3109.12 of the Revised Code or a visitation 799
or companionship order issued pursuant to section 3109.051, 800
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 801
this section granting parenting time rights to the respondent, 802
the court may require the public children services agency of the 803

county in which the court is located to provide supervision of 804
the respondent's exercise of parenting time or visitation or 805
companionship rights with respect to the child for a period not 806
to exceed nine months, if the court makes the following findings 807
of fact: 808

(i) The child is in danger from the respondent; 809

(ii) No other person or agency is available to provide the 810
supervision. 811

(b) A court that requires an agency to provide supervision 812
pursuant to division (E) (6) (a) of this section shall order the 813
respondent to reimburse the agency for the cost of providing the 814
supervision, if it determines that the respondent has sufficient 815
income or resources to pay that cost. 816

(7) (a) If a protection order issued or consent agreement 817
approved under this section includes a requirement that the 818
respondent be evicted from or vacate the residence or household 819
or refrain from entering the residence, school, business, or 820
place of employment of the petitioner or, with respect to a 821
petition involving family or household members, a family or 822
household member, the order or agreement shall state clearly 823
that the order or agreement cannot be waived or nullified by an 824
invitation to the respondent from the petitioner or other family 825
or household member to enter the residence, school, business, or 826
place of employment or by the respondent's entry into one of 827
those places otherwise upon the consent of the petitioner or 828
other family or household member. 829

(b) Division (E) (7) (a) of this section does not limit any 830
discretion of a court to determine that a respondent charged 831
with a violation of section 2919.27 of the Revised Code, with a 832

violation of a municipal ordinance substantially equivalent to 833
that section, or with contempt of court, which charge is based 834
on an alleged violation of a protection order issued or consent 835
agreement approved under this section, did not commit the 836
violation or was not in contempt of court. 837

(8) (a) The court may modify or terminate as provided in 838
division (E) (8) of this section a protection order or consent 839
agreement that was issued after a full hearing under this 840
section. The court that issued the protection order or approved 841
the consent agreement shall hear a motion for modification or 842
termination of the protection order or consent agreement 843
pursuant to division (E) (8) of this section. 844

(b) Either the petitioner or the respondent of the 845
original protection order or consent agreement may bring a 846
motion for modification or termination of a protection order or 847
consent agreement that was issued or approved after a full 848
hearing. The court shall require notice of the motion to be made 849
as provided by the Rules of Civil Procedure. If the petitioner 850
for the original protection order or consent agreement has 851
requested that the petitioner's address be kept confidential, 852
the court shall not disclose the address to the respondent of 853
the original protection order or consent agreement or any other 854
person, except as otherwise required by law. The moving party 855
has the burden of proof to show, by a preponderance of the 856
evidence, that modification or termination of the protection 857
order or consent agreement is appropriate because either the 858
protection order or consent agreement is no longer needed or 859
because the terms of the original protection order or consent 860
agreement are no longer appropriate. 861

(c) In considering whether to modify or terminate a 862

protection order or consent agreement issued or approved under 863
this section, the court shall consider all relevant factors, 864
including, but not limited to, the following: 865

(i) Whether the petitioner consents to modification or 866
termination of the protection order or consent agreement; 867

(ii) Whether the petitioner fears the respondent; 868

(iii) The current nature of the relationship between the 869
petitioner and the respondent; 870

(iv) The circumstances of the petitioner and respondent, 871
including the relative proximity of the petitioner's and 872
respondent's workplaces and residences and whether the 873
petitioner and respondent have minor children together; 874

(v) Whether the respondent has complied with the terms and 875
conditions of the original protection order or consent 876
agreement; 877

(vi) Whether the respondent has a continuing involvement 878
with illegal drugs or alcohol; 879

(vii) Whether the respondent has been convicted of, 880
pleaded guilty to, or been adjudicated a delinquent child for an 881
offense of violence since the issuance of the protection order 882
or approval of the consent agreement; 883

(viii) Whether any other protection orders, consent 884
agreements, restraining orders, or no contact orders have been 885
issued against the respondent pursuant to this section, section 886
2919.26 of the Revised Code, any other provision of state law, 887
or the law of any other state; 888

(ix) Whether the respondent has participated in any 889
domestic violence treatment, intervention program, or other 890

counseling addressing domestic violence and whether the 891
respondent has completed the treatment, program, or counseling; 892

(x) The time that has elapsed since the protection order 893
was issued or since the consent agreement was approved; 894

(xi) The age and health of the respondent; 895

(xii) When the last incident of abuse, threat of harm, or 896
commission of a sexually oriented offense occurred or other 897
relevant information concerning the safety and protection of the 898
petitioner or other protected parties. 899

(d) If a protection order or consent agreement is modified 900
or terminated as provided in division (E)(8) of this section, 901
the court shall issue copies of the modified or terminated order 902
or agreement as provided in division (F) of this section. A 903
petitioner may also provide notice of the modification or 904
termination to the judicial and law enforcement officials in any 905
county other than the county in which the order or agreement is 906
modified or terminated as provided in division (N) of this 907
section. 908

(e) If the respondent moves for modification or 909
termination of a protection order or consent agreement pursuant 910
to this section and the court denies the motion, the court may 911
assess costs against the respondent for the filing of the 912
motion. 913

(9) Any protection order issued or any consent agreement 914
approved pursuant to this section shall include a provision that 915
the court will automatically seal all of the records of the 916
proceeding in which the order is issued or agreement approved on 917
the date the respondent attains the age of nineteen years unless 918
the petitioner provides the court with evidence that the 919

respondent has not complied with all of the terms of the 920
protection order or consent agreement. The protection order or 921
consent agreement shall specify the date when the respondent 922
attains the age of nineteen years. 923

(F) (1) A copy of any protection order, or consent 924
agreement, that is issued, approved, modified, or terminated 925
under this section shall be issued by the court to the 926
petitioner, to the respondent, and to all law enforcement 927
agencies that have jurisdiction to enforce the order or 928
agreement. The court shall direct that a copy of an order be 929
delivered to the respondent on the same day that the order is 930
entered. 931

(2) Upon the issuance of a protection order or the 932
approval of a consent agreement under this section, the court 933
shall provide the parties to the order or agreement with the 934
following notice orally or by form: 935

"NOTICE 936

As a result of this order or consent agreement, it may be 937
unlawful for you to possess or purchase a firearm, including a 938
rifle, pistol, or revolver, or ammunition pursuant to federal 939
law under 18 U.S.C. 922(g) (8) for the duration of this order or 940
consent agreement. If you have any questions whether this law 941
makes it illegal for you to possess or purchase a firearm or 942
ammunition, you should consult an attorney." 943

(3) All law enforcement agencies shall establish and 944
maintain an index for the protection orders and the approved 945
consent agreements delivered to the agencies pursuant to 946
division (F) (1) of this section. With respect to each order and 947
consent agreement delivered, each agency shall note on the index 948

the date and time that it received the order or consent 949
agreement. 950

(4) Regardless of whether the petitioner has registered 951
the order or agreement in the county in which the officer's 952
agency has jurisdiction pursuant to division (N) of this 953
section, any officer of a law enforcement agency shall enforce a 954
protection order issued or consent agreement approved by any 955
court in this state in accordance with the provisions of the 956
order or agreement, including removing the respondent from the 957
premises, if appropriate. 958

(G) (1) Any proceeding under this section shall be 959
conducted in accordance with the Rules of Civil Procedure, 960
except that an order under this section may be obtained with or 961
without bond. An order issued under this section, other than an 962
ex parte order, that grants a protection order or approves a 963
consent agreement, that refuses to grant a protection order or 964
approve a consent agreement that modifies or terminates a 965
protection order or consent agreement, or that refuses to modify 966
or terminate a protection order or consent agreement, is a 967
final, appealable order. The remedies and procedures provided in 968
this section are in addition to, and not in lieu of, any other 969
available civil or criminal remedies. 970

(2) If as provided in division (G) (1) of this section an 971
order issued under this section, other than an ex parte order, 972
refuses to grant a protection order, the court, on its own 973
motion, shall order that the ex parte order issued under this 974
section and all of the records pertaining to that ex parte order 975
be sealed after either of the following occurs: 976

(a) No party has exercised the right to appeal pursuant to 977
Rule 4 of the Rules of Appellate Procedure. 978

(b) All appellate rights have been exhausted.	979
(H) The filing of proceedings under this section does not	980
excuse a person from filing any report or giving any notice	981
required by section 2151.421 of the Revised Code or by any other	982
law. When a petition under this section alleges domestic	983
violence against minor children, the court shall report the	984
fact, or cause reports to be made, to a county, township, or	985
municipal peace officer under section 2151.421 of the Revised	986
Code.	987
(I) Any law enforcement agency that investigates a	988
domestic dispute shall provide information to the family or	989
household members involved, or the persons in the dating	990
relationship who are involved, whichever is applicable regarding	991
the relief available under this section and, for family or	992
household members, section 2919.26 of the Revised Code.	993
(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this	994
section and regardless of whether a protection order is issued	995
or a consent agreement is approved by a court of another county	996
or a court of another state, no court or unit of state or local	997
government shall charge the petitioner any fee, cost, deposit,	998
or money in connection with the filing of a petition pursuant to	999
this section or in connection with the filing, issuance,	1000
registration, modification, enforcement, dismissal, withdrawal,	1001
or service of a protection order, consent agreement, or witness	1002
subpoena or for obtaining a certified copy of a protection order	1003
or consent agreement.	1004
(2) Regardless of whether a protection order is issued or	1005
a consent agreement is approved pursuant to this section, the	1006
court may assess costs against the respondent in connection with	1007
the filing, issuance, registration, modification, enforcement,	1008

dismissal, withdrawal, or service of a protection order, consent 1009
agreement, or witness subpoena or for obtaining a certified copy 1010
of a protection order or consent agreement. 1011

(K) (1) The court shall comply with Chapters 3119., 3121., 1012
3123., and 3125. of the Revised Code when it makes or modifies 1013
an order for child support under this section. 1014

(2) If any person required to pay child support under an 1015
order made under this section on or after April 15, 1985, or 1016
modified under this section on or after December 31, 1986, is 1017
found in contempt of court for failure to make support payments 1018
under the order, the court that makes the finding, in addition 1019
to any other penalty or remedy imposed, shall assess all court 1020
costs arising out of the contempt proceeding against the person 1021
and require the person to pay any reasonable attorney's fees of 1022
any adverse party, as determined by the court, that arose in 1023
relation to the act of contempt. 1024

(L) (1) A person who violates a protection order issued or 1025
a consent agreement approved under this section is subject to 1026
the following sanctions: 1027

(a) Criminal prosecution or a delinquent child proceeding 1028
for a violation of section 2919.27 of the Revised Code, if the 1029
violation of the protection order or consent agreement 1030
constitutes a violation of that section; 1031

(b) Punishment for contempt of court. 1032

(2) The punishment of a person for contempt of court for 1033
violation of a protection order issued or a consent agreement 1034
approved under this section does not bar criminal prosecution of 1035
the person or a delinquent child proceeding concerning the 1036
person for a violation of section 2919.27 of the Revised Code. 1037

However, a person punished for contempt of court is entitled to 1038
credit for the punishment imposed upon conviction of or 1039
adjudication as a delinquent child for a violation of that 1040
section, and a person convicted of or adjudicated a delinquent 1041
child for a violation of that section shall not subsequently be 1042
punished for contempt of court arising out of the same activity. 1043

(M) In all stages of a proceeding under this section, a 1044
petitioner may be accompanied by a victim advocate. 1045

(N) (1) A petitioner who obtains a protection order or 1046
consent agreement under this section or a temporary protection 1047
order under section 2919.26 of the Revised Code may provide 1048
notice of the issuance or approval of the order or agreement to 1049
the judicial and law enforcement officials in any county other 1050
than the county in which the order is issued or the agreement is 1051
approved by registering that order or agreement in the other 1052
county pursuant to division (N) (2) of this section and filing a 1053
copy of the registered order or registered agreement with a law 1054
enforcement agency in the other county in accordance with that 1055
division. A person who obtains a protection order issued by a 1056
court of another state may provide notice of the issuance of the 1057
order to the judicial and law enforcement officials in any 1058
county of this state by registering the order in that county 1059
pursuant to section 2919.272 of the Revised Code and filing a 1060
copy of the registered order with a law enforcement agency in 1061
that county. 1062

(2) A petitioner may register a temporary protection 1063
order, protection order, or consent agreement in a county other 1064
than the county in which the court that issued the order or 1065
approved the agreement is located in the following manner: 1066

(a) The petitioner shall obtain a certified copy of the 1067

order or agreement from the clerk of the court that issued the 1068
order or approved the agreement and present that certified copy 1069
to the clerk of the court of common pleas or the clerk of a 1070
municipal court or county court in the county in which the order 1071
or agreement is to be registered. 1072

(b) Upon accepting the certified copy of the order or 1073
agreement for registration, the clerk of the court of common 1074
pleas, municipal court, or county court shall place an 1075
endorsement of registration on the order or agreement and give 1076
the petitioner a copy of the order or agreement that bears that 1077
proof of registration. 1078

(3) The clerk of each court of common pleas, the clerk of 1079
each municipal court, and the clerk of each county court shall 1080
maintain a registry of certified copies of temporary protection 1081
orders, protection orders, or consent agreements that have been 1082
issued or approved by courts in other counties and that have 1083
been registered with the clerk. 1084

(O) Nothing in this section prohibits the domestic 1085
relations division of a court of common pleas in counties that 1086
have a domestic relations division or a court of common pleas in 1087
counties that do not have a domestic relations division from 1088
designating a minor child as a protected party on a protection 1089
order or consent agreement. 1090

Sec. 3113.33. As used in sections 3113.33 to 3113.40 of 1091
the Revised Code: 1092

(A) "Domestic violence" means any of the following: 1093

(1) Attempting to cause or causing bodily injury to a 1094
family or household member, or placing a family or household 1095
member by threat of force in fear of imminent physical harm; 1096

(2) Attempting to cause or causing bodily injury to a 1097
person with whom the actor is or was in a dating relationship, 1098
or placing a person with whom the actor is or was in a dating 1099
relationship by threat of force in fear of imminent physical 1100
harm. 1101

(B) "Family or household member" means any of the 1102
following: 1103

(1) Any of the following who is residing or has resided 1104
with the person committing the domestic violence: 1105

(a) A spouse, a person living as a spouse, or a former 1106
spouse of the person committing the domestic violence; 1107

(b) A parent, foster parent, or child of the person 1108
committing the domestic violence, or another person related by 1109
consanguinity or affinity to the person committing the domestic 1110
violence; 1111

(c) A parent or a child of a spouse, person living as a 1112
spouse, or former spouse of the person committing the domestic 1113
violence, or another person related by consanguinity or affinity 1114
to a spouse, person living as a spouse, or former spouse of the 1115
person committing the domestic violence; 1116

(d) The dependents of any person listed in division (B) (1) 1117
(a), (b), or (c) of this section. 1118

(2) The natural parent of any child of whom the person 1119
committing the domestic violence is the other natural parent or 1120
is the putative other natural parent. 1121

(C) "Shelter for victims of domestic violence" or 1122
"shelter" means a facility that provides temporary residential 1123
service or facilities to family or household members who are 1124

victims of domestic violence or to persons with whom the actor 1125
is or was in a dating relationship who are victims of domestic 1126
violence. 1127

(D) "Person living as a spouse" means a person who is 1128
living or has lived with the person committing the domestic 1129
violence in a common law marital relationship, who otherwise is 1130
cohabiting with the person committing the domestic violence, or 1131
who otherwise has cohabited with the person committing the 1132
domestic violence within five years prior to the date of the 1133
alleged occurrence of the act in question. 1134

(E) "Dating relationship" has the same meaning as in 1135
section 3113.31 of the Revised Code. 1136

(F) "Person with whom the actor is or was in a dating 1137
relationship" means an ~~adult~~ individual who, at the time of the 1138
conduct in question, is in a dating relationship with the actor 1139
who ~~also~~ is an adult or who, within the twelve months preceding 1140
the conduct in question, has had a dating relationship with the 1141
actor who ~~also~~ is an adult. 1142

(G) "Actor" means a person who attempts to cause or causes 1143
bodily injury to another, or places another by threat of force 1144
in fear of imminent physical harm. 1145

Section 2. That existing sections 1901.121, 1907.141, 1146
2106.22, 3103.05, 3103.06, 3105.17, 3105.171, 3113.31, and 1147
3113.33 of the Revised Code are hereby repealed. 1148

Section 3. That section 3105.72 of the Revised Code is 1149
hereby repealed. 1150