#### As Reported by the Senate Judiciary Committee

#### 134th General Assembly

# Regular Session 2021-2022

Sub. S. B. No. 210

#### Senator Gavarone

### **Cosponsor: Senator Manning**

#### A BILL

То	amend sections 2106.22, 3103.05, 3103.06,	1
	3105.17, 3105.171, 3113.31, and 3113.33; to	2
	enact section 3103.061; and to repeal section	3
	3105.72 of the Revised Code regarding agreements	4
	affecting legal relations between spouses;	5
	domestic violence protection orders in a dating	6
	relationship; and courts maintaining Social	7
	Security numbers of parties in divorce,	8
	dissolution, annulment, or spousal support	9
	proceedings.	10

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

Section 1. That sections 2106.22, 3103.05, 3103.06,	11
3105.17, 3105.171, 3113.31, and 3113.33 be amended and section	12
3103.061 of the Revised Code be enacted to read as follows:	13
Sec. 2106.22. Any antenuptial, postnuptial, or separation	14
agreement to which a decedent was a party is valid unless an	15
action to set it aside is commenced within four months after the	16
appointment of the executor or administrator of the estate of	17
the decedent, or unless, within the four-month period, the	18

Sub. S. B. No. 210

As Reported by the Senate Judiciary Committee

Sub. S. B. No. 210

section, the period of time from the date of the marriage	100
through the date of the final hearing in an action for divorce	101
or in an action for legal separation;	102
(b) If the court determines that the use of either or both	103
of the dates specified in division (A)(2)(a) of this section	104
would be inequitable, the court may select dates that it	105
considers equitable in determining marital property. If the	106
court selects dates that it considers equitable in determining	107
marital property, "during the marriage" means the period of time	108
between those dates selected and specified by the court.	109
(3)(a) "Marital property" means, subject to division (A)	110
(3) (b) of this section, all of the following:	111
(i) All real and personal property that currently is owned	112
by either or both of the spouses, including, but not limited to,	113
the retirement benefits of the spouses, and that was acquired by	114
or in an action for legal separation;  (b) If the court determines that the use of either or both of the dates specified in division (A)(2)(a) of this section would be inequitable, the court may select dates that it considers equitable in determining marital property. If the court selects dates that it considers equitable in determining marital property, "during the marriage" means the period of time between those dates selected and specified by the court.  (3)(a) "Marital property" means, subject to division (A)  (3)(b) of this section, all of the following:  (i) All real and personal property that currently is owned by either or both of the spouses, including, but not limited to,	115
(ii) All interest that either or both of the spouses	116
currently has in any real or personal property, including, but	117
not limited to, the retirement benefits of the spouses, and that	118
was acquired by either or both of the spouses during the	119
marriage;	120
(iii) Except as otherwise provided in this section, all	121
income and appreciation on separate property, due to the labor,	122
monetary, or in-kind contribution of either or both of the	123
spouses that occurred during the marriage;	124
(iv) A participant account, as defined in section 148.01	125
of the Revised Code, of either of the spouses, to the extent of	126
the following: the moneys that have been deferred by a	127
continuing member or participating employee, as defined in that	128

149

150

151

152

153

154

section, and that have been transmitted to the Ohio public	129
employees deferred compensation board during the marriage and	130
any income that is derived from the investment of those moneys	131
during the marriage; the moneys that have been deferred by an	132
officer or employee of a municipal corporation and that have	133
been transmitted to the governing board, administrator,	134
depository, or trustee of the deferred compensation program of	135
the municipal corporation during the marriage and any income	136
that is derived from the investment of those moneys during the	137
marriage; or the moneys that have been deferred by an officer or	138
employee of a government unit, as defined in section 148.06 of	139
the Revised Code, and that have been transmitted to the	140
governing board, as defined in that section, during the marriage	141
and any income that is derived from the investment of those	142
moneys during the marriage.	143
(b) "Marital property" does not include any separate	144
property.	145

- (4) "Passive income" means income acquired other than as a result of the labor, monetary, or in-kind contribution of either
- result of the labor, monetary, or in-kind contribution of either 147 spouse.
- (5) "Personal property" includes both tangible and intangible personal property.
- (6) (a) "Separate property" means all real and personal property and any interest in real or personal property that is found by the court to be any of the following:
- (i) An inheritance by one spouse by bequest, devise, or descent during the course of the marriage;
- (ii) Any real or personal property or interest in real or 156 personal property that was acquired by one spouse prior to the 157

date of the marriage;	158
(iii) Passive income and appreciation acquired from	159
separate property by one spouse during the marriage;	160
(iv) Any real or personal property or interest in real or	161
personal property acquired by one spouse after a decree of legal	162
separation issued under section 3105.17 of the Revised Code;	163
(v) Any real or personal property or interest in real or	164
personal property that is excluded by a valid antenuptial or	165
<pre>postnuptial_agreement;</pre>	166
(vi) Compensation to a spouse for the spouse's personal	167
injury, except for loss of marital earnings and compensation for	168
expenses paid from marital assets;	169
(vii) Any gift of any real or personal property or of an	170
interest in real or personal property that is made after the	171
date of the marriage and that is proven by clear and convincing	172
evidence to have been given to only one spouse.	173
(b) The commingling of separate property with other	174
property of any type does not destroy the identity of the	175
separate property as separate property, except when the separate	176
property is not traceable.	177
(B) In divorce proceedings, the court shall, and in legal	178
separation proceedings upon the request of either spouse, the	179
court may, determine what constitutes marital property and what	180
constitutes separate property. In either case, upon making such	181
a determination, the court shall divide the marital and separate	182
property equitably between the spouses, in accordance with this	183
section. For purposes of this section, the court has	184
jurisdiction over all property, excluding the social security	185
benefits of a spouse other than as set forth in division (F)(9)	186

of this section, in which one or both spouses have an interest. 187 (C)(1) Except as provided in this division or division (E) 188 of this section, the division of marital property shall be 189 equal. If an equal division of marital property would be 190 inequitable, the court shall not divide the marital property 191 equally but instead shall divide it between the spouses in the 192 manner the court determines equitable. In making a division of 193 marital property, the court shall consider all relevant factors, 194 including those set forth in division (F) of this section. 195 (2) Each spouse shall be considered to have contributed 196 equally to the production and acquisition of marital property. 197 (3) The court shall provide for an equitable division of 198 marital property under this section prior to making any award of 199 spousal support to either spouse under section 3105.18 of the 200 Revised Code and without regard to any spousal support so 201 awarded. 202 (4) If the marital property includes a participant 203 account, as defined in section 148.01 of the Revised Code, the 204 court shall not order the division or disbursement of the moneys 205 and income described in division (A)(3)(a)(iv) of this section 206 to occur in a manner that is inconsistent with the law, rules, 207 208 or plan governing the deferred compensation program involved or prior to the time that the spouse in whose name the participant 209 account is maintained commences receipt of the moneys and income 210 credited to the account in accordance with that law, rules, and 211 plan. 212 (D) Except as otherwise provided in division (E) of this 213 section or by another provision of this section, the court shall 214

disburse a spouse's separate property to that spouse. If a court

does not disburse a spouse's separate property to that spouse,	216
the court shall make written findings of fact that explain the	217
factors that it considered in making its determination that the	218
spouse's separate property should not be disbursed to that	219
spouse.	220
(E)(1) The court may make a distributive award to	221
facilitate, effectuate, or supplement a division of marital	222
property. The court may require any distributive award to be	223
secured by a lien on the payor's specific marital property or	224
separate property.	225
(2) The court may make a distributive award in lieu of a	226
division of marital property in order to achieve equity between	227
the spouses, if the court determines that a division of the	228
marital property in kind or in money would be impractical or	229
burdensome.	230
(3) The court shall require each spouse to disclose in a	231
full and complete manner all marital property, separate	232
property, and other assets, debts, income, and expenses of the	233
spouse.	234
(4) If a spouse has engaged in financial misconduct,	235
including, but not limited to, the dissipation, destruction,	236
concealment, nondisclosure, or fraudulent disposition of assets,	237
the court may compensate the offended spouse with a distributive	238
award or with a greater award of marital property.	239
(5) If a spouse has substantially and willfully failed to	240
disclose marital property, separate property, or other assets,	241
debts, income, or expenses as required under division (E)(3) of	242
this section, the court may compensate the offended spouse with	243

a distributive award or with a greater award of marital property 244

(9) Any retirement benefits of the spouses, excluding the

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

social security benefits of a spouse except as may be relevant

for purposes of dividing a public pension;

268

269

270

relevant and equitable.	272
(G) In any order for the division or disbursement of	273
property or a distributive award made pursuant to this section,	274
the court shall make written findings of fact that support the	275
determination that the marital property has been equitably	276
divided and shall specify the dates it used in determining the	277
meaning of "during the marriage."	278
(H) Except as otherwise provided in this section, the	279
holding of title to property by one spouse individually or by	280
both spouses in a form of co-ownership does not determine	281
whether the property is marital property or separate property.	282
(I) A division or disbursement of property or a	283
distributive award made under this section is not subject to	284
future modification by the court except upon the express written	285
consent or agreement to the modification by both spouses.	286
(J) The court may issue any orders under this section that	287
it determines equitable, including, but not limited to, either	288
of the following types of orders:	289
(1) An order granting a spouse the right to use the	290
marital dwelling or any other marital property or separate	291
property for any reasonable period of time;	292
(2) An order requiring the sale or encumbrancing of any	293
real or personal property, with the proceeds from the sale and	294
the funds from any loan secured by the encumbrance to be applied	295
as determined by the court.	296
Sec. 3113.31. (A) As used in this section:	297
(1) "Domestic violence" means any of the following:	298
(a) The occurrence of one or more of the following acts	299

against a family or household member:	300
(i) Attempting to cause or recklessly causing bodily	301
injury;	302
(ii) Placing another person by the threat of force in fear	303
of imminent serious physical harm or committing a violation of	304
section 2903.211 or 2911.211 of the Revised Code;	305
(iii) Committing any act with respect to a child that	306
would result in the child being an abused child, as defined in	307
section 2151.031 of the Revised Code;	308
(iv) Committing a sexually oriented offense.	309
(b) The occurrence of one or more of the acts identified	310
in divisions (A)(1)(a)(i) to (iv) of this section against a	311
person with whom the respondent is or was in a dating	312
relationship.	313
(2) "Court" means the domestic relations division of the	314
court of common pleas in counties that have a domestic relations	315
division and the court of common pleas in counties that do not	316
have a domestic relations division, or the juvenile division of	317
the court of common pleas of the county in which the person to	318
be protected by a protection order issued or a consent agreement	319
approved under this section resides if the respondent is less	320
than eighteen years of age.	321
(3) "Family or household member" means any of the	322
following:	323
(a) Any of the following who is residing with or has	324
resided with the respondent:	325
(i) A spouse, a person living as a spouse, or a former	326
spouse of the respondent;	327

(ii) A parent, a foster parent, or a child of the	328
respondent, or another person related by consanguinity or	329
affinity to the respondent;	330
(iii) A parent or a child of a spouse, person living as a	331
spouse, or former spouse of the respondent, or another person	332
related by consanguinity or affinity to a spouse, person living	333
as a spouse, or former spouse of the respondent.	334
(b) The natural parent of any child of whom the respondent	335
is the other natural parent or is the putative other natural	336
parent.	337
(4) "Person living as a spouse" means a person who is	338
living or has lived with the respondent in a common law marital	339
relationship, who otherwise is cohabiting with the respondent,	340
or who otherwise has cohabited with the respondent within five	341
years prior to the date of the alleged occurrence of the act in	342
question.	343
(5) "Victim advocate" means a person who provides support	344
and assistance for a person who files a petition under this	345
section.	346
(6) "Sexually oriented offense" has the same meaning as in	347
section 2950.01 of the Revised Code.	348
(7) "Companion animal" has the same meaning as in section	349
959.131 of the Revised Code.	350
(8) "Dating relationship" means a relationship between	351
individuals who have, or have had, a relationship of a romantic	352
or intimate nature. "Dating relationship" does not include a	353
casual acquaintanceship or ordinary fraternization in a business	354
or social context.	355

(9) "Person with whom the respondent is or was in a dating	356
relationship" means an adult individual who, at the time of the	357
conduct in question, is in a dating relationship with the	358
respondent who also is an adult or who, within the twelve months	359
preceding the conduct in question, has had a dating relationship	360
with the respondent who <del>also</del> is an adult.	361
(B) The court has jurisdiction over all proceedings under	362
this section. The petitioner's right to relief under this	363
section is not affected by the petitioner's leaving the	364
residence or household to avoid further domestic violence.	365
(C) A person may seek relief under this section on the	366
person's own behalf, or any parent or adult household member may	367
seek relief under this section on behalf of any other family or	368
household member, by filing a petition with the court. The	369
petition shall contain or state:	370
(1) An allegation that the respondent engaged in domestic	371
violence against a family or household member of the respondent	372
or against a person with whom the respondent is or was in a	373
dating relationship, including a description of the nature and	374
extent of the domestic violence;	375
(2) The relationship of the respondent to the petitioner,	376
and to the victim if other than the petitioner;	377
(3) If the petition is for protection of a person with	378
whom the respondent is or was in a dating relationship, the	379
facts upon which the court may conclude that a dating	380
relationship existed between the person to be protected and the	381
respondent;	382
(4) A request for relief under this section.	383
(D)(1) If a person who files a petition pursuant to this	384

section requests an ex parte order, the court shall hold an ex	385
parte hearing on the same day that the petition is filed. The	386
court, for good cause shown at the ex parte hearing, may enter	387
any temporary orders, with or without bond, including, but not	388
limited to, an order described in division (E)(1)(a), (b), or	389
(c) of this section, that the court finds necessary to protect	390
the family or household member or the person with whom the	391
respondent is or was in a dating relationship from domestic	392
violence. Immediate and present danger of domestic violence to	393
the family or household member or to the person with whom the	394
respondent is or was in a dating relationship constitutes good	395
cause for purposes of this section. Immediate and present danger	396
includes, but is not limited to, situations in which the	397
respondent has threatened the family or household member or	398
person with whom the respondent is or was in a dating	399
relationship with bodily harm, in which the respondent has	400
threatened the family or household member or person with whom	401
the respondent is or was in a dating relationship with a	402
sexually oriented offense, or in which the respondent previously	403
has been convicted of, pleaded guilty to, or been adjudicated a	404
delinquent child for an offense that constitutes domestic	405
violence against the family or household member or person with	406
whom the respondent is or was in a dating relationship.	407

(2) (a) If the court, after an ex parte hearing, issues an 408 order described in division (E)(1)(b) or (c) of this section, 409 the court shall schedule a full hearing for a date that is 410 within seven court days after the ex parte hearing. If any other 411 type of protection order that is authorized under division (E) 412 of this section is issued by the court after an ex parte 413 hearing, the court shall schedule a full hearing for a date that 414 is within ten court days after the ex parte hearing. The court 415

shall give the respondent notice of, and an opportunity to be	416
heard at, the full hearing. The court shall hold the full	417
hearing on the date scheduled under this division unless the	418
court grants a continuance of the hearing in accordance with	419
this division. Under any of the following circumstances or for	420
any of the following reasons, the court may grant a continuance	421
of the full hearing to a reasonable time determined by the	422
court:	423
(i) Prior to the date scheduled for the full hearing under	424
this division, the respondent has not been served with the	425
petition filed pursuant to this section and notice of the full	426
hearing.	427
(ii) The parties consent to the continuance.	428
(iii) The continuance is needed to allow a party to obtain	429
counsel.	430
(iv) The continuance is needed for other good cause.	431
(b) An ex parte order issued under this section does not	432
expire because of a failure to serve notice of the full hearing	433
upon the respondent before the date set for the full hearing	434
under division (D)(2)(a) of this section or because the court	435
grants a continuance under that division.	436
(3) If a person who files a petition pursuant to this	437
section does not request an ex parte order, or if a person	438
requests an ex parte order but the court does not issue an ex	439
parte order after an ex parte hearing, the court shall proceed	440
as in a normal civil action and grant a full hearing on the	441
matter.	442
(E)(1) After an ex parte or full hearing, the court may	443
grant any protection order, with or without bond, or approve any	444

consent agreement to bring about a cessation of domestic	445
violence against the family or household members or persons with	446
whom the respondent is or was in a dating relationship. The	447
order or agreement may:	448
(a) Direct the respondent to refrain from abusing or from	449
committing sexually oriented offenses against the family or	450
household members or persons with whom the respondent is or was	451
in a dating relationship;	452
(b) With respect to a petition involving family or	453
household members, grant possession of the residence or	454
household to the petitioner or other family or household member,	455
to the exclusion of the respondent, by evicting the respondent,	456
when the residence or household is owned or leased solely by the	457
petitioner or other family or household member, or by ordering	458
the respondent to vacate the premises, when the residence or	459
household is jointly owned or leased by the respondent, and the	460
petitioner or other family or household member;	461
(c) With respect to a petition involving family or	462
household members, when the respondent has a duty to support the	463
petitioner or other family or household member living in the	464
residence or household and the respondent is the sole owner or	465
lessee of the residence or household, grant possession of the	466
residence or household to the petitioner or other family or	467
household member, to the exclusion of the respondent, by	468
ordering the respondent to vacate the premises, or, in the case	469
of a consent agreement, allow the respondent to provide	470
suitable, alternative housing;	471
(d) With respect to a petition involving family or	472
household members, temporarily allocate parental rights and	473
responsibilities for the care of, or establish temporary	474

parenting time rights with regard to, minor children, if no	475
other court has determined, or is determining, the allocation of	476
parental rights and responsibilities for the minor children or	477
parenting time rights;	478
(e) With respect to a petition involving family or	479
household members, require the respondent to maintain support,	480
if the respondent customarily provides for or contributes to the	481
support of the family or household member, or if the respondent	482
has a duty to support the petitioner or family or household	483
member;	484
(f) Require the respondent, petitioner, victim of domestic	485
violence, or any combination of those persons, to seek	486
counseling;	487
(g) Require the respondent to refrain from entering the	488
residence, school, business, or place of employment of the	489
petitioner or, with respect to a petition involving family or	490
household members, a family or household member;	491
(h) Grant other relief that the court considers equitable	492
and fair, including, but not limited to, ordering the respondent	493
to permit the use of a motor vehicle by the petitioner or, with	494
respect to a petition involving family or household members,	495
other family or household members and the apportionment of	496
household and family personal property;	497
(i) Require that the respondent not remove, damage, hide,	498
harm, or dispose of any companion animal owned or possessed by	499
the petitioner;	500
(j) Authorize the petitioner to remove a companion animal	501
owned by the petitioner from the possession of the respondent;	502
(k) Require a wireless service transfer in accordance with	503

526

527

528

529

530

531

532

533

sections 3113.45 to 3113.459 of the Revised Code.

(2) If a protection order has been issued pursuant to this 505 section in a prior action involving the respondent and the 506 petitioner or, with respect to a petition involving family or 507 household members, one or more of the family or household 508 members or victims, the court may include in a protection order 509 that it issues a prohibition against the respondent returning to 510 the residence or household. If it includes a prohibition against 511 the respondent returning to the residence or household in the 512 order, it also shall include in the order provisions of the type 513 described in division (E)(7) of this section. This division does 514 not preclude the court from including in a protection order or 515 consent agreement, in circumstances other than those described 516 in this division, a requirement that the respondent be evicted 517 from or vacate the residence or household or refrain from 518 entering the residence, school, business, or place of employment 519 of the petitioner or, with respect to a petition involving 520 family or household members, a family or household member, and, 521 if the court includes any requirement of that type in an order 522 or agreement, the court also shall include in the order 523 524 provisions of the type described in division (E)(7) of this section. 525

- (3) (a) Any protection order issued or consent agreement approved under this section shall be valid until a date certain, but not later than five years from the date of its issuance or approval, or not later than the date a respondent who is less than eighteen years of age attains nineteen years of age, unless modified or terminated as provided in division (E)(8) of this section.
  - (b) With respect to an order involving family or household

members, subject to the limitation on the duration of an order	534
or agreement set forth in division (E)(3)(a) of this section,	535
any order under division (E)(1)(d) of this section shall	536
terminate on the date that a court in an action for divorce,	537
dissolution of marriage, or legal separation brought by the	538
petitioner or respondent issues an order allocating parental	539
rights and responsibilities for the care of children or on the	540
date that a juvenile court in an action brought by the	541
petitioner or respondent issues an order awarding legal custody	542
of minor children. Subject to the limitation on the duration of	543
an order or agreement set forth in division (E)(3)(a) of this	544
section, any order under division (E)(1)(e) of this section	545
shall terminate on the date that a court in an action for	546
divorce, dissolution of marriage, or legal separation brought by	547
the petitioner or respondent issues a support order or on the	548
date that a juvenile court in an action brought by the	549
petitioner or respondent issues a support order.	550

- (c) Any protection order issued or consent agreement approved pursuant to this section may be renewed in the same manner as the original order or agreement was issued or approved.
- (4) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this section unless all of the following apply:
- (a) The respondent files a separate petition for a protection order in accordance with this section.
- (b) The petitioner is served notice of the respondent's 562 petition at least forty-eight hours before the court holds a 563

572

573

574

575

576

577

578

579

hearing with respect to the respondent's petition, or the 564 petitioner waives the right to receive this notice. 565

- (c) If the petitioner has requested an ex parte order 566 pursuant to division (D) of this section, the court does not 567 delay any hearing required by that division beyond the time 568 specified in that division in order to consolidate the hearing 569 with a hearing on the petition filed by the respondent. 570
- (d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed an act of domestic violence or has violated a temporary protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense.
- (5) No protection order issued or consent agreement 580 approved under this section shall in any manner affect title to 581 any real property. 582
- (6)(a) With respect to an order involving family or 583 household members, if a petitioner, or the child of a 584 585 petitioner, who obtains a protection order or consent agreement pursuant to division (E)(1) of this section or a temporary 586 protection order pursuant to section 2919.26 of the Revised Code 587 and is the subject of a parenting time order issued pursuant to 588 section 3109.051 or 3109.12 of the Revised Code or a visitation 589 or companionship order issued pursuant to section 3109.051, 590 3109.11, or 3109.12 of the Revised Code or division (E)(1)(d) of 591 this section granting parenting time rights to the respondent, 592 the court may require the public children services agency of the 593

county in which the court is located to provide supervision of	594
the respondent's exercise of parenting time or visitation or	595
companionship rights with respect to the child for a period not	596
to exceed nine months, if the court makes the following findings	597
of fact:	598
(i) The child is in danger from the respondent;	599
(ii) No other person or agency is available to provide the	600
supervision.	601
(b) A court that requires an agency to provide supervision	602
pursuant to division (E)(6)(a) of this section shall order the	603
respondent to reimburse the agency for the cost of providing the	604
supervision, if it determines that the respondent has sufficient	605
income or resources to pay that cost.	606
(7)(a) If a protection order issued or consent agreement	607
approved under this section includes a requirement that the	608
respondent be evicted from or vacate the residence or household	609
or refrain from entering the residence, school, business, or	610
place of employment of the petitioner or, with respect to a	611
petition involving family or household members, a family or	612
household member, the order or agreement shall state clearly	613
that the order or agreement cannot be waived or nullified by an	614
invitation to the respondent from the petitioner or other family	615
or household member to enter the residence, school, business, or	616
place of employment or by the respondent's entry into one of	617
those places otherwise upon the consent of the petitioner or	618
other family or household member.	619
(b) Division (E)(7)(a) of this section does not limit any	620
discretion of a court to determine that a respondent charged	621
with a violation of section 2919.27 of the Revised Code, with a	622

624

625

626

627

652

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

- (8) (a) The court may modify or terminate as provided in

  division (E) (8) of this section a protection order or consent

  agreement that was issued after a full hearing under this

  section. The court that issued the protection order or approved

  the consent agreement shall hear a motion for modification or

  termination of the protection order or consent agreement

  633

  pursuant to division (E) (8) of this section.

  638
- (b) Either the petitioner or the respondent of the 635 original protection order or consent agreement may bring a 636 motion for modification or termination of a protection order or 637 consent agreement that was issued or approved after a full 638 hearing. The court shall require notice of the motion to be made 639 as provided by the Rules of Civil Procedure. If the petitioner 640 641 for the original protection order or consent agreement has 642 requested that the petitioner's address be kept confidential, 643 the court shall not disclose the address to the respondent of the original protection order or consent agreement or any other 644 person, except as otherwise required by law. The moving party 645 has the burden of proof to show, by a preponderance of the 646 evidence, that modification or termination of the protection 647 order or consent agreement is appropriate because either the 648 protection order or consent agreement is no longer needed or 649 because the terms of the original protection order or consent 650 agreement are no longer appropriate. 651
  - (c) In considering whether to modify or terminate a

protection order or consent agreement issued or approved under	653
this section, the court shall consider all relevant factors,	654
including, but not limited to, the following:	655
(i) Whether the petitioner consents to modification or	656
termination of the protection order or consent agreement;	657
(ii) Whether the petitioner fears the respondent;	658
(iii) The current nature of the relationship between the	659
petitioner and the respondent;	660
(iv) The circumstances of the petitioner and respondent,	661
including the relative proximity of the petitioner's and	662
respondent's workplaces and residences and whether the	663
petitioner and respondent have minor children together;	664
(v) Whether the respondent has complied with the terms and	665
conditions of the original protection order or consent	666
agreement;	667
(vi) Whether the respondent has a continuing involvement	668
with illegal drugs or alcohol;	669
(vii) Whether the respondent has been convicted of,	670
pleaded guilty to, or been adjudicated a delinquent child for an	671
offense of violence since the issuance of the protection order	672
or approval of the consent agreement;	673
(viii) Whether any other protection orders, consent	674
agreements, restraining orders, or no contact orders have been	675
issued against the respondent pursuant to this section, section	676
2919.26 of the Revised Code, any other provision of state law,	677
or the law of any other state;	678
(ix) Whether the respondent has participated in any	679
domestic violence treatment, intervention program, or other	680

counseling addressing domestic violence and whether the	681
respondent has completed the treatment, program, or counseling;	682
(x) The time that has elapsed since the protection order	683
was issued or since the consent agreement was approved;	684
(xi) The age and health of the respondent;	685
(xii) When the last incident of abuse, threat of harm, or	686
commission of a sexually oriented offense occurred or other	687
relevant information concerning the safety and protection of the	688
petitioner or other protected parties.	689
(d) If a protection order or consent agreement is modified	690
or terminated as provided in division (E)(8) of this section,	691
the court shall issue copies of the modified or terminated order	692
or agreement as provided in division (F) of this section. A	693
petitioner may also provide notice of the modification or	694
termination to the judicial and law enforcement officials in any	695
county other than the county in which the order or agreement is	696
modified or terminated as provided in division (N) of this	697
section.	698
(e) If the respondent moves for modification or	699
termination of a protection order or consent agreement pursuant	700
to this section and the court denies the motion, the court may	701
assess costs against the respondent for the filing of the	702
motion.	703
(9) Any protection order issued or any consent agreement	704
approved pursuant to this section shall include a provision that	705
the court will automatically seal all of the records of the	706
proceeding in which the order is issued or agreement approved on	707
the date the respondent attains the age of nineteen years unless	708
the petitioner provides the court with evidence that the	709

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

- (F)(1) A copy of any protection order, or consent agreement, that is issued, approved, modified, or terminated under this section shall be issued by the court to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order or agreement. The court shall direct that a copy of an order be delivered to the respondent on the same day that the order is entered.
- (2) Upon the issuance of a protection order or the approval of a consent agreement under this section, the court shall provide the parties to the order or agreement with the following notice orally or by form:

"NOTICE

As a result of this order or consent agreement, it may be 727 unlawful for you to possess or purchase a firearm, including a 728 rifle, pistol, or revolver, or ammunition pursuant to federal 729 law under 18 U.S.C. 922(g)(8) for the duration of this order or 730 consent agreement. If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney." 733

(3) All law enforcement agencies shall establish and maintain an index for the protection orders and the approved consent agreements delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order and consent agreement delivered, each agency shall note on the index 713

714

715

716

717

718

719

722

723

724

710 711 712

720 721

725

726

731 732

734

735

736

737

the date and time that it received the order or consent 739 agreement.

- (4) Regardless of whether the petitioner has registered 741 the order or agreement in the county in which the officer's 742 agency has jurisdiction pursuant to division (N) of this 743 section, any officer of a law enforcement agency shall enforce a 744 protection order issued or consent agreement approved by any 745 court in this state in accordance with the provisions of the 746 order or agreement, including removing the respondent from the 747 748 premises, if appropriate.
- (G) (1) Any proceeding under this section shall be 749 conducted in accordance with the Rules of Civil Procedure, 750 except that an order under this section may be obtained with or 751 without bond. An order issued under this section, other than an 752 ex parte order, that grants a protection order or approves a 753 consent agreement, that refuses to grant a protection order or 754 approve a consent agreement that modifies or terminates a 755 protection order or consent agreement, or that refuses to modify 756 or terminate a protection order or consent agreement, is a 757 758 final, appealable order. The remedies and procedures provided in this section are in addition to, and not in lieu of, any other 759 available civil or criminal remedies. 760
- (2) If as provided in division (G)(1) of this section an 761 order issued under this section, other than an ex parte order, 762 refuses to grant a protection order, the court, on its own 763 motion, shall order that the ex parte order issued under this 764 section and all of the records pertaining to that ex parte order 765 be sealed after either of the following occurs: 766
- (a) No party has exercised the right to appeal pursuant to 767
  Rule 4 of the Rules of Appellate Procedure. 768

## Sub. S. B. No. 210 As Reported by the Senate Judiciary Committee

(b) All appellate rights have been exhausted. 769 (H) The filing of proceedings under this section does not 770 excuse a person from filing any report or giving any notice 771 required by section 2151.421 of the Revised Code or by any other 772 law. When a petition under this section alleges domestic 773 violence against minor children, the court shall report the 774 775 fact, or cause reports to be made, to a county, township, or municipal peace officer under section 2151.421 of the Revised 776 Code. 777 (I) Any law enforcement agency that investigates a 778 domestic dispute shall provide information to the family or 779 household members involved, or the persons in the dating 780 relationship who are involved, whichever is applicable regarding 781 the relief available under this section and, for family or 782 household members, section 2919.26 of the Revised Code. 783 (J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 784 section and regardless of whether a protection order is issued 785 or a consent agreement is approved by a court of another county 786 or a court of another state, no court or unit of state or local 787 government shall charge the petitioner any fee, cost, deposit, 788 or money in connection with the filing of a petition pursuant to 789 this section or in connection with the filing, issuance, 790 registration, modification, enforcement, dismissal, withdrawal, 791 or service of a protection order, consent agreement, or witness 792 subpoena or for obtaining a certified copy of a protection order 793 or consent agreement. 794 (2) Regardless of whether a protection order is issued or 795 a consent agreement is approved pursuant to this section, the 796 court may assess costs against the respondent in connection with 797 the filing, issuance, registration, modification, enforcement, 798

dismissal, withdrawal, or service of a protection order, consent	799
agreement, or witness subpoena or for obtaining a certified copy	800
of a protection order or consent agreement.	801
(K)(1) The court shall comply with Chapters 3119., 3121.,	802
3123., and 3125. of the Revised Code when it makes or modifies	803
an order for child support under this section.	804
(2) If any person required to pay child support under an	805
order made under this section on or after April 15, 1985, or	806
modified under this section on or after December 31, 1986, is	807
found in contempt of court for failure to make support payments	808
under the order, the court that makes the finding, in addition	809
to any other penalty or remedy imposed, shall assess all court	810
costs arising out of the contempt proceeding against the person	811
and require the person to pay any reasonable attorney's fees of	812
any adverse party, as determined by the court, that arose in	813
relation to the act of contempt.	814
(L)(1) A person who violates a protection order issued or	815
a consent agreement approved under this section is subject to	816
the following sanctions:	817
(a) Criminal prosecution or a delinquent child proceeding	818
for a violation of section 2919.27 of the Revised Code, if the	819
violation of the protection order or consent agreement	820
constitutes a violation of that section;	821
(b) Punishment for contempt of court.	822
(2) The punishment of a person for contempt of court for	823
violation of a protection order issued or a consent agreement	824
approved under this section does not bar criminal prosecution of	825
the person or a delinquent child proceeding concerning the	826
person for a violation of section 2919.27 of the Revised Code.	827

854

855

856

857

However, a person punished for contempt of court is entitled to	828
credit for the punishment imposed upon conviction of or	829
adjudication as a delinquent child for a violation of that	830
section, and a person convicted of or adjudicated a delinquent	831
child for a violation of that section shall not subsequently be	832
punished for contempt of court arising out of the same activity.	833
(M) In all stages of a proceeding under this section, a	834
petitioner may be accompanied by a victim advocate.	835
(N)(1) A petitioner who obtains a protection order or	836
consent agreement under this section or a temporary protection	837
order under section 2919.26 of the Revised Code may provide	838
notice of the issuance or approval of the order or agreement to	839
the judicial and law enforcement officials in any county other	840
than the county in which the order is issued or the agreement is	841
approved by registering that order or agreement in the other	842
county pursuant to division (N)(2) of this section and filing a	843
copy of the registered order or registered agreement with a law	844
enforcement agency in the other county in accordance with that	845
division. A person who obtains a protection order issued by a	846
court of another state may provide notice of the issuance of the	847
order to the judicial and law enforcement officials in any	848
county of this state by registering the order in that county	849
pursuant to section 2919.272 of the Revised Code and filing a	850
copy of the registered order with a law enforcement agency in	851
that county.	852

(2) A petitioner may register a temporary protection

order, protection order, or consent agreement in a county other

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

than the county in which the court that issued the order or

approved the agreement is located in the following manner:

order or agreement from the clerk of the court that issued the	858
order or approved the agreement and present that certified copy	859
to the clerk of the court of common pleas or the clerk of a	860
municipal court or county court in the county in which the order	861
or agreement is to be registered.	862
(b) Upon accepting the certified copy of the order or	863
agreement for registration, the clerk of the court of common	864
pleas, municipal court, or county court shall place an	865
endorsement of registration on the order or agreement and give	866
the petitioner a copy of the order or agreement that bears that	867
proof of registration.	868
(3) The clerk of each court of common pleas, the clerk of	869
each municipal court, and the clerk of each county court shall	870
maintain a registry of certified copies of temporary protection	871
orders, protection orders, or consent agreements that have been	872
issued or approved by courts in other counties and that have	873
been registered with the clerk.	874
(O) Nothing in this section prohibits the domestic	875
relations division of a court of common pleas in counties that	876
have a domestic relations division or a court of common pleas in	877
counties that do not have a domestic relations division from	878
designating a minor child as a protected party on a protection	879
order or consent agreement.	880
Sec. 3113.33. As used in sections 3113.33 to 3113.40 of	881
the Revised Code:	882
(A) "Domestic violence" means any of the following:	883
(1) Attempting to cause or causing bodily injury to a	884
family or household member, or placing a family or household	885
member by threat of force in fear of imminent physical harm;	886

(2) Attempting to cause or causing bodily injury to a	887
person with whom the actor is or was in a dating relationship,	888
or placing a person with whom the actor is or was in a dating	889
relationship by threat of force in fear of imminent physical	890
harm.	891
(B) "Family or household member" means any of the	892
following:	893
(1) Any of the following who is residing or has resided	894
with the person committing the domestic violence:	895
with the person committeling the domestic violence.	095
(a) A spouse, a person living as a spouse, or a former	896
spouse of the person committing the domestic violence;	897
(b) A parent, foster parent, or child of the person	898
committing the domestic violence, or another person related by	899
consanguinity or affinity to the person committing the domestic	900
violence;	901
(c) A parent or a child of a spouse, person living as a	902
spouse, or former spouse of the person committing the domestic	903
violence, or another person related by consanguinity or affinity	904
to a spouse, person living as a spouse, or former spouse of the	905
person committing the domestic violence;	906
(d) The dependents of any person listed in division (B)(1)	907
(a), (b), or (c) of this section.	908
(2) The natural parent of any child of whom the person	909
committing the domestic violence is the other natural parent or	910
is the putative other natural parent.	911
	711
(C) "Shelter for victims of domestic violence" or	912
"shelter" means a facility that provides temporary residential	913
service or facilities to family or household members who are	914

victims of domestic violence or to persons with whom the actor	915
is or was in a dating relationship who are victims of domestic	916
violence.	917
(D) "Person living as a spouse" means a person who is	918
living or has lived with the person committing the domestic	919
violence in a common law marital relationship, who otherwise is	920
cohabiting with the person committing the domestic violence, or	921
who otherwise has cohabited with the person committing the	922
domestic violence within five years prior to the date of the	923
alleged occurrence of the act in question.	924
(E) "Dating relationship" has the same meaning as in	925
section 3113.31 of the Revised Code.	926
(F) "Person with whom the actor is or was in a dating	927
relationship" means an adult—individual who, at the time of the	928
conduct in question, is in a dating relationship with the actor	929
who <del>also</del> is an adult or who, within the twelve months preceding	930
the conduct in question, has had a dating relationship with the	931
actor who <del>also</del> is an adult.	932
(G) "Actor" means a person who attempts to cause or causes	933
bodily injury to another, or places another by threat of force	934
in fear of imminent physical harm.	935
Section 2. That existing sections 2106.22, 3103.05,	936
3103.06, 3105.17, 3105.171, 3113.31, and 3113.33 of the Revised	937
Code are hereby repealed.	938
Section 3. That section 3105.72 of the Revised Code is	939
hereby repealed.	940