

As Re-Referred by the House Rules and Reference Committee

135th General Assembly

Regular Session

2023-2024

H. B. No. 14

Representatives Creech, John

A BILL

To amend sections 2151.23, 2317.02, 2705.031, 1
2710.05, 2710.06, 3105.21, 3105.63, 3105.65, 2
3109.04, 3109.042, 3109.043, 3109.05, 3109.052, 3
3109.06, 3109.061, 3109.09, 3109.11, 3109.12, 4
3109.41, 3109.53, 3109.55, 3109.56, 3109.65, 5
3113.31, 3119.01, 3119.08, 3119.24, 3119.964, 6
3310.51, 3313.98, 3319.321, 3333.26, 3796.24, 7
5104.039, 5120.653, and 5153.16; to amend, for 8
the purpose of adopting new section numbers as 9
indicated in parentheses, sections 3109.043 10
(3109.0436), 3109.052 (3109.0469), and 3109.053 11
(3109.0480); to enact sections 3109.044, 12
3109.045, 3109.046, 3109.047, 3109.048, 13
3109.0410, 3109.0411, 3109.0412, 3109.0413, 14
3109.0414, 3109.0415, 3109.0419, 3109.0420, 15
3109.0421, 3109.0422, 3109.0423, 3109.0424, 16
3109.0425, 3109.0426, 3109.0430, 3109.0431, 17
3109.0432, 3109.0433, 3109.0434, 3109.0435, 18
3109.0437, 3109.0438, 3109.0439, 3109.0440, 19
3109.0441, 3109.0442, 3109.0443, 3109.0445, 20
3109.0450, 3109.0451, 3109.0452, 3109.0453, 21
3109.0454, 3109.0455, 3109.0456, 3109.0457, 22
3109.0461, 3109.0462, 3109.0463, 3109.0466, 23
3109.0467, 3109.0468, 3109.0470, 3109.0471, 24

3109.0472, 3109.0473, 3109.0474, 3109.0475,	25
3109.0476, 3109.0477, 3109.0478, 3109.0479,	26
3109.0481, 3109.0482, 3109.0483, 3109.0484,	27
3109.0485, 3109.0486, 3109.0491, 3109.0492,	28
3109.0493, and 3109.0494; and to repeal sections	29
3109.041 and 3109.051 of the Revised Code	30
regarding the allocation of parental rights and	31
responsibilities to grant equal time and	32
responsibility for a child.	33

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

Section 1. That sections 2151.23, 2317.02, 2705.031,	34
2710.05, 2710.06, 3105.21, 3105.63, 3105.65, 3109.04, 3109.042,	35
3109.043, 3109.05, 3109.052, 3109.06, 3109.061, 3109.09,	36
3109.11, 3109.12, 3109.41, 3109.53, 3109.55, 3109.56, 3109.65,	37
3113.31, 3119.01, 3119.08, 3119.24, 3119.964, 3310.51, 3313.98,	38
3319.321, 3333.26, 3796.24, 5104.039, 5120.653, and 5153.16 be	39
amended; sections 3109.043 (3109.0436), 3109.052 (3109.0469),	40
and 3109.053 (3109.0480) be amended for the purpose of adopting	41
new section numbers as indicated in parentheses; and sections	42
3109.044, 3109.045, 3109.046, 3109.047, 3109.048, 3109.0410,	43
3109.0411, 3109.0412, 3109.0413, 3109.0414, 3109.0415,	44
3109.0419, 3109.0420, 3109.0421, 3109.0422, 3109.0423,	45
3109.0424, 3109.0425, 3109.0426, 3109.0430, 3109.0431,	46
3109.0432, 3109.0433, 3109.0434, 3109.0435, 3109.0437,	47
3109.0438, 3109.0439, 3109.0440, 3109.0441, 3109.0442,	48
3109.0443, 3109.0445, 3109.0450, 3109.0451, 3109.0452,	49
3109.0453, 3109.0454, 3109.0455, 3109.0456, 3109.0457,	50
3109.0461, 3109.0462, 3109.0463, 3109.0466, 3109.0467,	51

3109.0468, 3109.0470, 3109.0471, 3109.0472, 3109.0473, 52
3109.0474, 3109.0475, 3109.0476, 3109.0477, 3109.0478, 53
3109.0479, 3109.0481, 3109.0482, 3109.0483, 3109.0484, 54
3109.0485, 3109.0486, 3109.0491, 3109.0492, 3109.0493, and 55
3109.0494 of the Revised Code be enacted to read as follows: 56

Sec. 2151.23. (A) The juvenile court has exclusive 57
original jurisdiction under the Revised Code as follows: 58

(1) Concerning any child who on or about the date 59
specified in the complaint, indictment, or information is 60
alleged to have violated section 2151.87 of the Revised Code or 61
an order issued under that section or to be a juvenile traffic 62
offender or a delinquent, unruly, abused, neglected, or 63
dependent child and, based on and in relation to the allegation 64
pertaining to the child, concerning the parent, guardian, or 65
other person having care of a child who is alleged to be an 66
unruly child for being an habitual truant or who is alleged to 67
be a delinquent child for violating a court order regarding the 68
child's prior adjudication as an unruly child for being an 69
habitual truant; 70

(2) Subject to divisions (G), (I), (K), and (V) of section 71
2301.03 of the Revised Code, to determine the custody of any 72
child not a ward of another court of this state; 73

(3) To hear and determine any application for a writ of 74
habeas corpus involving the custody of a child; 75

(4) To exercise the powers and jurisdiction given the 76
probate division of the court of common pleas in Chapter 5122. 77
of the Revised Code, if the court has probable cause to believe 78
that a child otherwise within the jurisdiction of the court is a 79
mentally ill person subject to court order, as defined in 80

section 5122.01 of the Revised Code;	81
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	82 83
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B) (1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B) (1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	84 85 86 87 88 89 90 91 92 93 94
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	95 96
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	97 98 99 100
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	101 102 103 104
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	105 106
(11) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request	107 108 109

is not ancillary to an action for divorce, dissolution of	110
marriage, annulment, or legal separation, a criminal or civil	111
action involving an allegation of domestic violence, or an	112
action for support brought under Chapter 3115. of the Revised	113
Code;	114
(12) Concerning an action commenced under section 121.38	115
of the Revised Code;	116
(13) To hear and determine violations of section 3321.38	117
of the Revised Code;	118
(14) To exercise jurisdiction and authority over the	119
parent, guardian, or other person having care of a child alleged	120
to be a delinquent child, unruly child, or juvenile traffic	121
offender, based on and in relation to the allegation pertaining	122
to the child;	123
(15) To conduct the hearings, and to make the	124
determinations, adjudications, and orders authorized or required	125
under sections 2152.82 to 2152.86 and Chapter 2950. of the	126
Revised Code regarding a child who has been adjudicated a	127
delinquent child and to refer the duties conferred upon the	128
juvenile court judge under sections 2152.82 to 2152.86 and	129
Chapter 2950. of the Revised Code to magistrates appointed by	130
the juvenile court judge in accordance with Juvenile Rule 40;	131
(16) To hear and determine a petition for a protection	132
order against a child under section 2151.34 or 3113.31 of the	133
Revised Code and to enforce a protection order issued or a	134
consent agreement approved under either section against a child	135
until a date certain but not later than the date the child	136
attains nineteen years of age;	137
(17) Concerning emancipated young adults under sections	138

2151.45 to 2151.455 of the Revised Code;	139
(18) To hear and determine a request for a court order to examine and interview a child who may be an abused, neglected, or dependent child under section 2151.25 of the Revised Code.	140 141 142
(B) Except as provided in divisions (G), (I), and (P) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	143 144 145
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	146 147 148 149
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	150 151 152
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	153 154
(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;	155 156 157
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	158 159
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	160 161
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	162 163 164
(8) To enforce an order for the return of a child made	165

under the Hague Convention on the Civil Aspects of International 166
Child Abduction pursuant to section 3127.32 of the Revised Code; 167

(9) To grant any relief normally available under the laws 168
of this state to enforce a child custody determination made by a 169
court of another state and registered in accordance with section 170
3127.35 of the Revised Code. 171

(C) The juvenile court, except as to juvenile courts that 172
are a separate division of the court of common pleas or a 173
separate and independent juvenile court, has jurisdiction to 174
hear, determine, and make a record of any action for divorce or 175
legal separation that involves the custody or care of children 176
and that is filed in the court of common pleas and certified by 177
the court of common pleas with all the papers filed in the 178
action to the juvenile court for trial, provided that no 179
certification of that nature shall be made to any juvenile court 180
unless the consent of the juvenile judge first is obtained. 181
After a certification of that nature is made and consent is 182
obtained, the juvenile court shall proceed as if the action 183
originally had been begun in that court, except as to awards for 184
spousal support or support due and unpaid at the time of 185
certification, over which the juvenile court has no 186
jurisdiction. 187

(D) The juvenile court, except as provided in division (I) 188
of section 2301.03 of the Revised Code, has jurisdiction to hear 189
and determine all matters as to custody and support of children 190
duly certified by the court of common pleas to the juvenile 191
court after a divorce decree has been granted, including 192
jurisdiction to modify the judgment and decree of the court of 193
common pleas as the same relate to the custody and support of 194
children. 195

(E) The juvenile court, except as provided in division (I) 196
of section 2301.03 of the Revised Code, has jurisdiction to hear 197
and determine the case of any child certified to the court by 198
any court of competent jurisdiction if the child comes within 199
the jurisdiction of the juvenile court as defined by this 200
section. 201

(F) (1) The juvenile court shall exercise its jurisdiction 202
in child custody matters in accordance with sections 3109.04 to 203
3109.0445, 3109.0482, 3109.0483, and 3127.01 to 3127.53 of the 204
Revised Code and, as applicable, sections 5103.20 to 5103.22 or 205
5103.23 to 5103.237 of the Revised Code. 206

(2) The juvenile court shall exercise its jurisdiction in 207
child support matters in accordance with section 3109.05 of the 208
Revised Code. 209

(G) Any juvenile court that makes or modifies an order for 210
child support shall comply with Chapters 3119., 3121., 3123., 211
and 3125. of the Revised Code. If any person required to pay 212
child support under an order made by a juvenile court on or 213
after April 15, 1985, or modified on or after December 1, 1986, 214
is found in contempt of court for failure to make support 215
payments under the order, the court that makes the finding, in 216
addition to any other penalty or remedy imposed, shall assess 217
all court costs arising out of the contempt proceeding against 218
the person and require the person to pay any reasonable 219
attorney's fees of any adverse party, as determined by the 220
court, that arose in relation to the act of contempt. 221

(H) If a child who is charged with an act that would be an 222
offense if committed by an adult was fourteen years of age or 223
older and under eighteen years of age at the time of the alleged 224
act and if the case is transferred for criminal prosecution 225

pursuant to section 2152.12 of the Revised Code, except as 226
provided in section 2152.121 of the Revised Code, the juvenile 227
court does not have jurisdiction to hear or determine the case 228
subsequent to the transfer. The court to which the case is 229
transferred for criminal prosecution pursuant to that section 230
has jurisdiction subsequent to the transfer to hear and 231
determine the case in the same manner as if the case originally 232
had been commenced in that court, subject to section 2152.121 of 233
the Revised Code, including, but not limited to, jurisdiction to 234
accept a plea of guilty or another plea authorized by Criminal 235
Rule 11 or another section of the Revised Code and jurisdiction 236
to accept a verdict and to enter a judgment of conviction 237
pursuant to the Rules of Criminal Procedure against the child 238
for the commission of the offense that was the basis of the 239
transfer of the case for criminal prosecution, whether the 240
conviction is for the same degree or a lesser degree of the 241
offense charged, for the commission of a lesser-included 242
offense, or for the commission of another offense that is 243
different from the offense charged. 244

(I) If a person under eighteen years of age allegedly 245
commits an act that would be a felony if committed by an adult 246
and if the person is not taken into custody or apprehended for 247
that act until after the person attains twenty-one years of age, 248
the juvenile court does not have jurisdiction to hear or 249
determine any portion of the case charging the person with 250
committing that act. In those circumstances, divisions (A) and 251
(B) of section 2152.12 of the Revised Code do not apply 252
regarding the act, and the case charging the person with 253
committing the act shall be a criminal prosecution commenced and 254
heard in the appropriate court having jurisdiction of the 255
offense as if the person had been eighteen years of age or older 256

when the person committed the act. All proceedings pertaining to 257
the act shall be within the jurisdiction of the court having 258
jurisdiction of the offense, and that court has all the 259
authority and duties in the case that it has in other criminal 260
cases in that court. 261

(J) In exercising its exclusive original jurisdiction 262
under division (A)(16) of this section with respect to any 263
proceedings brought under section 2151.34 or 3113.31 of the 264
Revised Code in which the respondent is a child, the juvenile 265
court retains all dispositional powers consistent with existing 266
rules of juvenile procedure and may also exercise its discretion 267
to adjudicate proceedings as provided in sections 2151.34 and 268
3113.31 of the Revised Code, including the issuance of 269
protection orders or the approval of consent agreements under 270
those sections. 271

Sec. 2317.02. The following persons shall not testify in 272
certain respects: 273

(A)(1) An attorney, concerning a communication made to the 274
attorney by a client in that relation or concerning the 275
attorney's advice to a client, except that the attorney may 276
testify by express consent of the client or, if the client is 277
deceased, by the express consent of the surviving spouse or the 278
executor or administrator of the estate of the deceased client. 279
However, if the client voluntarily reveals the substance of 280
attorney-client communications in a nonprivileged context or is 281
deemed by section 2151.421 of the Revised Code to have waived 282
any testimonial privilege under this division, the attorney may 283
be compelled to testify on the same subject. 284

The testimonial privilege established under this division 285
does not apply concerning either of the following: 286

(a) A communication between a client in a capital case, as 287
defined in section 2901.02 of the Revised Code, and the client's 288
attorney if the communication is relevant to a subsequent 289
ineffective assistance of counsel claim by the client alleging 290
that the attorney did not effectively represent the client in 291
the case; 292

(b) A communication between a client who has since died 293
and the deceased client's attorney if the communication is 294
relevant to a dispute between parties who claim through that 295
deceased client, regardless of whether the claims are by testate 296
or intestate succession or by inter vivos transaction, and the 297
dispute addresses the competency of the deceased client when the 298
deceased client executed a document that is the basis of the 299
dispute or whether the deceased client was a victim of fraud, 300
undue influence, or duress when the deceased client executed a 301
document that is the basis of the dispute. 302

(2) An attorney, concerning a communication made to the 303
attorney by a client in that relationship or the attorney's 304
advice to a client, except that if the client is an insurance 305
company, the attorney may be compelled to testify, subject to an 306
in camera inspection by a court, about communications made by 307
the client to the attorney or by the attorney to the client that 308
are related to the attorney's aiding or furthering an ongoing or 309
future commission of bad faith by the client, if the party 310
seeking disclosure of the communications has made a prima-facie 311
showing of bad faith, fraud, or criminal misconduct by the 312
client. 313

(B) (1) A physician, advanced practice registered nurse, or 314
dentist concerning a communication made to the physician, 315
advanced practice registered nurse, or dentist by a patient in 316

that relation or the advice of a physician, advanced practice 317
registered nurse, or dentist given to a patient, except as 318
otherwise provided in this division, division (B) (2), and 319
division (B) (3) of this section, and except that, if the patient 320
is deemed by section 2151.421 of the Revised Code to have waived 321
any testimonial privilege under this division, the physician or 322
advanced practice registered nurse may be compelled to testify 323
on the same subject. 324

The testimonial privilege established under this division 325
does not apply, and a physician, advanced practice registered 326
nurse, or dentist may testify or may be compelled to testify, in 327
any of the following circumstances: 328

(a) In any civil action, in accordance with the discovery 329
provisions of the Rules of Civil Procedure in connection with a 330
civil action, or in connection with a claim under Chapter 4123. 331
of the Revised Code, under any of the following circumstances: 332

(i) If the patient or the guardian or other legal 333
representative of the patient gives express consent; 334

(ii) If the patient is deceased, the spouse of the patient 335
or the executor or administrator of the patient's estate gives 336
express consent; 337

(iii) If a medical claim, dental claim, chiropractic 338
claim, or optometric claim, as defined in section 2305.113 of 339
the Revised Code, an action for wrongful death, any other type 340
of civil action, or a claim under Chapter 4123. of the Revised 341
Code is filed by the patient, the personal representative of the 342
estate of the patient if deceased, or the patient's guardian or 343
other legal representative. 344

(b) In any civil action concerning court-ordered treatment 345

or services received by a patient, if the court-ordered 346
treatment or services were ordered as part of a case plan 347
journalized under section 2151.412 of the Revised Code or the 348
court-ordered treatment or services are necessary or relevant to 349
dependency, neglect, or abuse or temporary or permanent custody 350
proceedings under Chapter 2151. of the Revised Code. 351

(c) In any criminal action concerning any test or the 352
results of any test that determines the presence or 353
concentration of alcohol, a drug of abuse, a combination of 354
them, a controlled substance, or a metabolite of a controlled 355
substance in the patient's whole blood, blood serum or plasma, 356
breath, urine, or other bodily substance at any time relevant to 357
the criminal offense in question. 358

(d) In any criminal action against a physician, advanced 359
practice registered nurse, or dentist. In such an action, the 360
testimonial privilege established under this division does not 361
prohibit the admission into evidence, in accordance with the 362
Rules of Evidence, of a patient's medical or dental records or 363
other communications between a patient and the physician, 364
advanced practice registered nurse, or dentist that are related 365
to the action and obtained by subpoena, search warrant, or other 366
lawful means. A court that permits or compels a physician, 367
advanced practice registered nurse, or dentist to testify in 368
such an action or permits the introduction into evidence of 369
patient records or other communications in such an action shall 370
require that appropriate measures be taken to ensure that the 371
confidentiality of any patient named or otherwise identified in 372
the records is maintained. Measures to ensure confidentiality 373
that may be taken by the court include sealing its records or 374
deleting specific information from its records. 375

(e) (i) If the communication was between a patient who has 376
since died and the deceased patient's physician, advanced 377
practice registered nurse, or dentist, the communication is 378
relevant to a dispute between parties who claim through that 379
deceased patient, regardless of whether the claims are by 380
testate or intestate succession or by inter vivos transaction, 381
and the dispute addresses the competency of the deceased patient 382
when the deceased patient executed a document that is the basis 383
of the dispute or whether the deceased patient was a victim of 384
fraud, undue influence, or duress when the deceased patient 385
executed a document that is the basis of the dispute. 386

(ii) If neither the spouse of a patient nor the executor 387
or administrator of that patient's estate gives consent under 388
division (B) (1) (a) (ii) of this section, testimony or the 389
disclosure of the patient's medical records by a physician, 390
advanced practice registered nurse, dentist, or other health 391
care provider under division (B) (1) (e) (i) of this section is a 392
permitted use or disclosure of protected health information, as 393
defined in 45 C.F.R. 160.103, and an authorization or 394
opportunity to be heard shall not be required. 395

(iii) Division (B) (1) (e) (i) of this section does not 396
require a mental health professional to disclose psychotherapy 397
notes, as defined in 45 C.F.R. 164.501. 398

(iv) An interested person who objects to testimony or 399
disclosure under division (B) (1) (e) (i) of this section may seek 400
a protective order pursuant to Civil Rule 26. 401

(v) A person to whom protected health information is 402
disclosed under division (B) (1) (e) (i) of this section shall not 403
use or disclose the protected health information for any purpose 404
other than the litigation or proceeding for which the 405

information was requested and shall return the protected health 406
information to the covered entity or destroy the protected 407
health information, including all copies made, at the conclusion 408
of the litigation or proceeding. 409

(2) (a) If any law enforcement officer submits a written 410
statement to a health care provider that states that an official 411
criminal investigation has begun regarding a specified person or 412
that a criminal action or proceeding has been commenced against 413
a specified person, that requests the provider to supply to the 414
officer copies of any records the provider possesses that 415
pertain to any test or the results of any test administered to 416
the specified person to determine the presence or concentration 417
of alcohol, a drug of abuse, a combination of them, a controlled 418
substance, or a metabolite of a controlled substance in the 419
person's whole blood, blood serum or plasma, breath, or urine at 420
any time relevant to the criminal offense in question, and that 421
conforms to section 2317.022 of the Revised Code, the provider, 422
except to the extent specifically prohibited by any law of this 423
state or of the United States, shall supply to the officer a 424
copy of any of the requested records the provider possesses. If 425
the health care provider does not possess any of the requested 426
records, the provider shall give the officer a written statement 427
that indicates that the provider does not possess any of the 428
requested records. 429

(b) If a health care provider possesses any records of the 430
type described in division (B) (2) (a) of this section regarding 431
the person in question at any time relevant to the criminal 432
offense in question, in lieu of personally testifying as to the 433
results of the test in question, the custodian of the records 434
may submit a certified copy of the records, and, upon its 435
submission, the certified copy is qualified as authentic 436

evidence and may be admitted as evidence in accordance with the 437
Rules of Evidence. Division (A) of section 2317.422 of the 438
Revised Code does not apply to any certified copy of records 439
submitted in accordance with this division. Nothing in this 440
division shall be construed to limit the right of any party to 441
call as a witness the person who administered the test to which 442
the records pertain, the person under whose supervision the test 443
was administered, the custodian of the records, the person who 444
made the records, or the person under whose supervision the 445
records were made. 446

(3) (a) If the testimonial privilege described in division 447
(B) (1) of this section does not apply as provided in division 448
(B) (1) (a) (iii) of this section, a physician, advanced practice 449
registered nurse, or dentist may be compelled to testify or to 450
submit to discovery under the Rules of Civil Procedure only as 451
to a communication made to the physician, advanced practice 452
registered nurse, or dentist by the patient in question in that 453
relation, or the advice of the physician, advanced practice 454
registered nurse, or dentist given to the patient in question, 455
that related causally or historically to physical or mental 456
injuries that are relevant to issues in the medical claim, 457
dental claim, chiropractic claim, or optometric claim, action 458
for wrongful death, other civil action, or claim under Chapter 459
4123. of the Revised Code. 460

(b) If the testimonial privilege described in division (B) 461
(1) of this section does not apply to a physician, advanced 462
practice registered nurse, or dentist as provided in division 463
(B) (1) (c) of this section, the physician, advanced practice 464
registered nurse, or dentist, in lieu of personally testifying 465
as to the results of the test in question, may submit a 466
certified copy of those results, and, upon its submission, the 467

certified copy is qualified as authentic evidence and may be 468
admitted as evidence in accordance with the Rules of Evidence. 469
Division (A) of section 2317.422 of the Revised Code does not 470
apply to any certified copy of results submitted in accordance 471
with this division. Nothing in this division shall be construed 472
to limit the right of any party to call as a witness the person 473
who administered the test in question, the person under whose 474
supervision the test was administered, the custodian of the 475
results of the test, the person who compiled the results, or the 476
person under whose supervision the results were compiled. 477

(4) The testimonial privilege described in division (B) (1) 478
of this section is not waived when a communication is made by a 479
physician or advanced practice registered nurse to a pharmacist 480
or when there is communication between a patient and a 481
pharmacist in furtherance of the physician-patient or advanced 482
practice registered nurse-patient relation. 483

(5) (a) As used in divisions (B) (1) to (4) of this section, 484
"communication" means acquiring, recording, or transmitting any 485
information, in any manner, concerning any facts, opinions, or 486
statements necessary to enable a physician, advanced practice 487
registered nurse, or dentist to diagnose, treat, prescribe, or 488
act for a patient. A "communication" may include, but is not 489
limited to, any medical or dental, office, or hospital 490
communication such as a record, chart, letter, memorandum, 491
laboratory test and results, x-ray, photograph, financial 492
statement, diagnosis, or prognosis. 493

(b) As used in division (B) (2) of this section, "health 494
care provider" means a hospital, ambulatory care facility, long- 495
term care facility, pharmacy, emergency facility, or health care 496
practitioner. 497

(c) As used in division (B) (5) (b) of this section:	498
(i) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory surgical facility, cardiac catheterization facility, diagnostic imaging center, extracorporeal shock wave lithotripsy center, home health agency, inpatient hospice, birthing center, radiation therapy center, emergency facility, and an urgent care center. "Ambulatory health care facility" does not include the private office of a physician, advanced practice registered nurse, or dentist, whether the office is for an individual or group practice.	499 500 501 502 503 504 505 506 507 508 509
(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	510 511 512
(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code.	513 514
(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	515 516
(v) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in	517 518 519 520 521 522 523 524 525 526

section 5124.01 of the Revised Code.	527
(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.	528 529
(d) As used in divisions (B) (1) and (2) of this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.	530 531 532
(6) Divisions (B) (1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, advanced practice registered nurses, and dentists.	533 534 535 536
(7) Nothing in divisions (B) (1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section 307.628 of the Revised Code or the immunity from civil liability conferred by section 2305.33 of the Revised Code upon physicians or advanced practice registered nurses who report an employee's use of a drug of abuse, or a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee in accordance with division (B) of that section. As used in division (B) (7) of this section, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code and "advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.	537 538 539 540 541 542 543 544 545 546 547 548 549
(C) (1) A cleric, when the cleric remains accountable to the authority of that cleric's church, denomination, or sect, concerning a confession made, or any information confidentially communicated, to the cleric for a religious counseling purpose in the cleric's professional character. The cleric may testify by express consent of the person making the communication,	550 551 552 553 554 555

except when the disclosure of the information is in violation of 556
a sacred trust and except that, if the person voluntarily 557
testifies or is deemed by division (A) (4) (c) of section 2151.421 558
of the Revised Code to have waived any testimonial privilege 559
under this division, the cleric may be compelled to testify on 560
the same subject except when disclosure of the information is in 561
violation of a sacred trust. 562

(2) As used in division (C) of this section: 563

(a) "Cleric" means a member of the clergy, rabbi, priest, 564
Christian Science practitioner, or regularly ordained, 565
accredited, or licensed minister of an established and legally 566
cognizable church, denomination, or sect. 567

(b) "Sacred trust" means a confession or confidential 568
communication made to a cleric in the cleric's ecclesiastical 569
capacity in the course of discipline enjoined by the church to 570
which the cleric belongs, including, but not limited to, the 571
Catholic Church, if both of the following apply: 572

(i) The confession or confidential communication was made 573
directly to the cleric. 574

(ii) The confession or confidential communication was made 575
in the manner and context that places the cleric specifically 576
and strictly under a level of confidentiality that is considered 577
inviolate by canon law or church doctrine. 578

(D) Husband or wife, concerning any communication made by 579
one to the other, or an act done by either in the presence of 580
the other, during coverture, unless the communication was made, 581
or act done, in the known presence or hearing of a third person 582
competent to be a witness; and such rule is the same if the 583
marital relation has ceased to exist; 584

(E) A person who assigns a claim or interest, concerning 585
any matter in respect to which the person would not, if a party, 586
be permitted to testify; 587

(F) A person who, if a party, would be restricted under 588
section 2317.03 of the Revised Code, when the property or thing 589
is sold or transferred by an executor, administrator, guardian, 590
trustee, heir, devisee, or legatee, shall be restricted in the 591
same manner in any action or proceeding concerning the property 592
or thing. 593

(G) (1) A school guidance counselor who holds a valid 594
educator license from the state board of education as provided 595
for in section 3319.22 of the Revised Code, a person licensed 596
under Chapter 4757. of the Revised Code as a licensed 597
professional clinical counselor, licensed professional 598
counselor, social worker, independent social worker, marriage 599
and family therapist or independent marriage and family 600
therapist, or registered under Chapter 4757. of the Revised Code 601
as a social work assistant concerning a confidential 602
communication received from a client in that relation or the 603
person's advice to a client unless any of the following applies: 604

(a) The communication or advice indicates clear and 605
present danger to the client or other persons. For the purposes 606
of this division, cases in which there are indications of 607
present or past child abuse or neglect of the client constitute 608
a clear and present danger. 609

(b) The client gives express consent to the testimony. 610

(c) If the client is deceased, the surviving spouse or the 611
executor or administrator of the estate of the deceased client 612
gives express consent. 613

(d) The client voluntarily testifies, in which case the 614
school guidance counselor or person licensed or registered under 615
Chapter 4757. of the Revised Code may be compelled to testify on 616
the same subject. 617

(e) The court in camera determines that the information 618
communicated by the client is not germane to the counselor- 619
client, marriage and family therapist-client, or social worker- 620
client relationship. 621

(f) A court, in an action brought against a school, its 622
administration, or any of its personnel by the client, rules 623
after an in-camera inspection that the testimony of the school 624
guidance counselor is relevant to that action. 625

(g) The testimony is sought in a civil action and concerns 626
court-ordered treatment or services received by a patient as 627
part of a case plan journalized under section 2151.412 of the 628
Revised Code or the court-ordered treatment or services are 629
necessary or relevant to dependency, neglect, or abuse or 630
temporary or permanent custody proceedings under Chapter 2151. 631
of the Revised Code. 632

(2) Nothing in division (G) (1) of this section shall 633
relieve a school guidance counselor or a person licensed or 634
registered under Chapter 4757. of the Revised Code from the 635
requirement to report information concerning child abuse or 636
neglect under section 2151.421 of the Revised Code. 637

(H) A mediator acting under a mediation order issued under 638
division (A) of section ~~3109.052~~3109.0469 of the Revised Code 639
or otherwise issued in any proceeding for divorce, dissolution, 640
legal separation, annulment, or the allocation of parental 641
rights and responsibilities for the care of children, in any 642

action or proceeding, other than a criminal, delinquency, child 643
abuse, child neglect, or dependent child action or proceeding, 644
that is brought by or against either parent who takes part in 645
mediation in accordance with the order and that pertains to the 646
mediation process, to any information discussed or presented in 647
the mediation process, to the allocation of parental rights and 648
responsibilities for the care of the parents' children, or to 649
the awarding of parenting time rights in relation to their 650
children; 651

(I) A communications assistant, acting within the scope of 652
the communication assistant's authority, when providing 653
telecommunications relay service pursuant to section 4931.06 of 654
the Revised Code or Title II of the "Communications Act of 655
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 656
communication made through a telecommunications relay service. 657
Nothing in this section shall limit the obligation of a 658
communications assistant to divulge information or testify when 659
mandated by federal law or regulation or pursuant to subpoena in 660
a criminal proceeding. 661

Nothing in this section shall limit any immunity or 662
privilege granted under federal law or regulation. 663

(J) (1) A chiropractor in a civil proceeding concerning a 664
communication made to the chiropractor by a patient in that 665
relation or the chiropractor's advice to a patient, except as 666
otherwise provided in this division. The testimonial privilege 667
established under this division does not apply, and a 668
chiropractor may testify or may be compelled to testify, in any 669
civil action, in accordance with the discovery provisions of the 670
Rules of Civil Procedure in connection with a civil action, or 671
in connection with a claim under Chapter 4123. of the Revised 672

Code, under any of the following circumstances:	673
(a) If the patient or the guardian or other legal representative of the patient gives express consent.	674 675
(b) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent.	676 677 678
(c) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative.	679 680 681 682 683 684 685
(2) If the testimonial privilege described in division (J) (1) of this section does not apply as provided in division (J) (1) (c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code.	686 687 688 689 690 691 692 693 694 695 696
(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding.	697 698 699 700
(4) As used in this division, "communication" means	701

acquiring, recording, or transmitting any information, in any 702
manner, concerning any facts, opinions, or statements necessary 703
to enable a chiropractor to diagnose, treat, or act for a 704
patient. A communication may include, but is not limited to, any 705
chiropractic, office, or hospital communication such as a 706
record, chart, letter, memorandum, laboratory test and results, 707
x-ray, photograph, financial statement, diagnosis, or prognosis. 708

(K) (1) Except as provided under division (K) (2) of this 709
section, a critical incident stress management team member 710
concerning a communication received from an individual who 711
receives crisis response services from the team member, or the 712
team member's advice to the individual, during a debriefing 713
session. 714

(2) The testimonial privilege established under division 715
(K) (1) of this section does not apply if any of the following 716
are true: 717

(a) The communication or advice indicates clear and 718
present danger to the individual who receives crisis response 719
services or to other persons. For purposes of this division, 720
cases in which there are indications of present or past child 721
abuse or neglect of the individual constitute a clear and 722
present danger. 723

(b) The individual who received crisis response services 724
gives express consent to the testimony. 725

(c) If the individual who received crisis response 726
services is deceased, the surviving spouse or the executor or 727
administrator of the estate of the deceased individual gives 728
express consent. 729

(d) The individual who received crisis response services 730

voluntarily testifies, in which case the team member may be 731
compelled to testify on the same subject. 732

(e) The court in camera determines that the information 733
communicated by the individual who received crisis response 734
services is not germane to the relationship between the 735
individual and the team member. 736

(f) The communication or advice pertains or is related to 737
any criminal act. 738

(3) As used in division (K) of this section: 739

(a) "Crisis response services" means consultation, risk 740
assessment, referral, and on-site crisis intervention services 741
provided by a critical incident stress management team to 742
individuals affected by crisis or disaster. 743

(b) "Critical incident stress management team member" or 744
"team member" means an individual specially trained to provide 745
crisis response services as a member of an organized community 746
or local crisis response team that holds membership in the Ohio 747
critical incident stress management network. 748

(c) "Debriefing session" means a session at which crisis 749
response services are rendered by a critical incident stress 750
management team member during or after a crisis or disaster. 751

(L) (1) Subject to division (L) (2) of this section and 752
except as provided in division (L) (3) of this section, an 753
employee assistance professional, concerning a communication 754
made to the employee assistance professional by a client in the 755
employee assistance professional's official capacity as an 756
employee assistance professional. 757

(2) Division (L) (1) of this section applies to an employee 758

assistance professional who meets either or both of the	759
following requirements:	760
(a) Is certified by the employee assistance certification	761
commission to engage in the employee assistance profession;	762
(b) Has education, training, and experience in all of the	763
following:	764
(i) Providing workplace-based services designed to address	765
employer and employee productivity issues;	766
(ii) Providing assistance to employees and employees'	767
dependents in identifying and finding the means to resolve	768
personal problems that affect the employees or the employees'	769
performance;	770
(iii) Identifying and resolving productivity problems	771
associated with an employee's concerns about any of the	772
following matters: health, marriage, family, finances, substance	773
abuse or other addiction, workplace, law, and emotional issues;	774
(iv) Selecting and evaluating available community	775
resources;	776
(v) Making appropriate referrals;	777
(vi) Local and national employee assistance agreements;	778
(vii) Client confidentiality.	779
(3) Division (L) (1) of this section does not apply to any	780
of the following:	781
(a) A criminal action or proceeding involving an offense	782
under sections 2903.01 to 2903.06 of the Revised Code if the	783
employee assistance professional's disclosure or testimony	784
relates directly to the facts or immediate circumstances of the	785

offense;	786
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	787 788 789
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	790 791 792 793
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	794 795 796
(e) A civil or criminal malpractice action brought against the employee assistance professional;	797 798
(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative;	799 800 801
(g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law.	802 803
Sec. 2705.031. (A) As used in this section, "Title IV-D case" has the same meaning as in section 3125.01 of the Revised Code.	804 805 806
(B)(1) Any party who has a legal claim to any support ordered for a child, spouse, or former spouse may initiate a contempt action for failure to pay the support. In Title IV-D cases, the contempt action for failure to pay support also may be initiated by an attorney retained by the party who has the legal claim, the prosecuting attorney, or an attorney of the department of job and family services or the child support	807 808 809 810 811 812 813

enforcement agency. 814

(2) Any parent who is granted parenting time rights under 815
a parenting time order ~~or decree~~ issued pursuant to section 816
~~3109.051~~ 3109.0451 or 3109.12 of the Revised Code, any person 817
who is granted visitation rights under a visitation order or 818
decree issued pursuant to section ~~3109.051~~ 3109.0452, 3109.11, or 819
3109.12 of the Revised Code or pursuant to any other provision 820
of the Revised Code, or any other person who is subject to any 821
parenting time or visitation order or decree, may initiate a 822
contempt action for a failure to comply with, or an interference 823
with, the order or decree. 824

(C) In any contempt action initiated pursuant to division 825
(B) of this section, the accused shall appear upon the summons 826
and order to appear that is issued by the court. The summons 827
shall include all of the following: 828

(1) Notice that failure to appear may result in the 829
issuance of an order of arrest, and in cases involving alleged 830
failure to pay support, the issuance of an order for the payment 831
of support by withholding an amount from the personal earnings 832
of the accused or by withholding or deducting an amount from 833
some other asset of the accused; 834

(2) Notice that the accused has a right to counsel, and 835
that if indigent, the accused must apply for a public defender 836
or court appointed counsel within three business days after 837
receipt of the summons; 838

(3) Notice that the court may refuse to grant a 839
continuance at the time of the hearing for the purpose of the 840
accused obtaining counsel, if the accused fails to make a good 841
faith effort to retain counsel or to obtain a public defender; 842

(4) Notice of the potential penalties that could be 843
imposed upon the accused, if the accused is found guilty of 844
contempt for failure to pay support or for a failure to comply 845
with, or an interference with, a parenting time or visitation 846
order or decree; 847

(5) Notice that the court may grant limited driving 848
privileges under section 4510.021 of the Revised Code pursuant 849
to a request made by the accused, if the driver's license was 850
suspended based on a notice issued pursuant to section 3123.54 851
of the Revised Code by the child support enforcement agency and 852
if the request is accompanied by a recent noncertified copy of a 853
driver's abstract from the registrar of motor vehicles. 854

(D) If the accused is served as required by the Rules of 855
Civil Procedure or by any special statutory proceedings that are 856
relevant to the case, the court may order the attachment of the 857
person of the accused upon failure to appear as ordered by the 858
court. 859

(E) The imposition of any penalty for contempt under 860
section 2705.05 of the Revised Code shall not eliminate any 861
obligation of the accused to pay any past, present, or future 862
support obligation or any obligation of the accused to comply 863
with or refrain from interfering with the parenting time or 864
visitation order or decree. The court shall have jurisdiction to 865
make a finding of contempt for the failure to pay support and to 866
impose the penalties set forth in section 2705.05 of the Revised 867
Code in all cases in which past due support is at issue even if 868
the duty to pay support has terminated, and shall have 869
jurisdiction to make a finding of contempt for a failure to 870
comply with, or an interference with, a parenting time or 871
visitation order or decree and to impose the penalties set forth 872

in section 2705.05 of the Revised Code in all cases in which the 873
failure or interference is at issue even if the parenting time 874
or visitation order or decree no longer is in effect. 875

Sec. 2710.05. (A) There is no privilege under section 876
2710.03 of the Revised Code for a mediation communication to 877
which any of the following applies: 878

(1) The mediation communication is contained in a written 879
agreement evidenced by a record signed by all parties to the 880
agreement. 881

(2) The mediation communication is available to the public 882
under section 149.43 of the Revised Code or made during a 883
session of a mediation that is open, or is required by law to be 884
open, to the public; 885

(3) The mediation communication is an imminent threat or 886
statement of a plan to inflict bodily injury or commit a crime 887
of violence. 888

(4) The mediation communication is intentionally used to 889
plan, attempt to commit, or commit a crime or to conceal an 890
ongoing crime or ongoing criminal activity. 891

(5) The mediation communication is sought or offered to 892
prove or disprove a claim or complaint of professional 893
misconduct or malpractice filed against a mediator. 894

(6) Except as otherwise provided in division (C) of this 895
section, the mediation communication is sought or offered to 896
prove or disprove a claim or complaint of professional 897
misconduct or malpractice filed against a mediation party, 898
nonparty participant, or representative of a party based on 899
conduct occurring during a mediation. 900

(7) Except as provided in sections 2317.02 and ~~3109.052~~ 3109.0469 of the Revised Code, the mediation communication is sought or offered to prove or disprove abuse, neglect, abandonment, or exploitation in a proceeding in which a child or adult protective services agency is a party, unless the case is referred by a court to mediation and a public agency participates.

(8) The mediation communication is required to be disclosed pursuant to section 2921.22 of the Revised Code.

(9) The mediation communication is sought in connection with or offered in any criminal proceeding involving a felony, a delinquent child proceeding based on what would be a felony if committed by an adult, or a proceeding initiated by the state or a child protection agency in which it is alleged that a child is an abused, neglected, or dependent child.

(B) There is no privilege under section 2710.03 of the Revised Code if a court, administrative agency, or arbitrator finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown that the evidence is not otherwise available, that the disclosure is necessary in the particular case to prevent a manifest injustice, and that the mediation communication is sought or offered in either of the following:

(1) A court proceeding involving a misdemeanor;

(2) Except as otherwise provided in division (C) of this section, a proceeding to prove a claim to rescind or reform or a defense to avoid liability on a contract arising out of the mediation.

(C) A mediator may not be compelled to provide evidence of

a mediation communication referred to in division (A) (6) or (B)	930
(2) of this section.	931
(D) If a mediation communication is not privileged under	932
division (A) or (B) of this section, only the portion of the	933
communication necessary for the application of the exception	934
from nondisclosure may be admitted. Admission of evidence under	935
division (A) or (B) of this section does not render the	936
evidence, or any other mediation communication, discoverable or	937
admissible for any other purpose.	938
Sec. 2710.06. (A) Except as provided in division (B) of	939
this section and section 3109.052 <u>3109.0469</u> of the Revised Code,	940
a mediator shall not make a report, assessment, evaluation,	941
recommendation, finding, or other communication regarding a	942
mediation to a court, department, agency, or officer of this	943
state or its political subdivisions that may make a ruling on	944
the dispute that is the subject of the mediation.	945
(B) A mediator may disclose any of the following:	946
(1) Whether the mediation occurred or has terminated,	947
whether a settlement was reached, and attendance;	948
(2) A mediation communication as permitted by section	949
2710.05 of the Revised Code;	950
(3) A mediation communication evidencing abuse, neglect,	951
abandonment, or exploitation of an individual to a public agency	952
responsible for protecting individuals against abuse, neglect,	953
abandonment, or exploitation.	954
(C) A communication made in violation of division (A) of	955
this section shall not be considered by a court, administrative	956
agency, or arbitrator.	957

Sec. 3105.21. (A) Upon satisfactory proof of the causes in 958
the complaint for divorce, annulment, or legal separation, the 959
court of common pleas shall make an order for the disposition, 960
care, and maintenance of the children of the marriage, as is in 961
their best interests, and in accordance with ~~section~~sections 962
3109.04 to 3109.0445, 3109.0482, and 3109.0483 of the Revised 963
Code. 964

(B) Upon the failure of proof of the causes in the 965
complaint, the court may make the order for the disposition, 966
care, and maintenance of any dependent child of the marriage as 967
is in the child's best interest, and in accordance with ~~section~~sections 968
3109.04 to 3109.0445, 3109.0482, and 3109.0483 of the 969
Revised Code. 970

(C) Any court of common pleas that makes or modifies an 971
order for child support under this section shall comply with 972
Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If 973
any person required to pay child support under an order made 974
under this section on or after April 15, 1985, or modified on or 975
after December 1, 1986, is found in contempt of court for 976
failure to make support payments under the order, the court that 977
makes the finding, in addition to any other penalty or remedy 978
imposed, shall assess all court costs arising out of the 979
contempt proceeding against the person and require the person to 980
pay any reasonable attorney's fees of any adverse party, as 981
determined by the court, that arose in relation to the act of 982
contempt. 983

Sec. 3105.63. (A) (1) A petition for dissolution of 984
marriage shall be signed by both spouses and shall have attached 985
and incorporated a separation agreement agreed to by both 986
spouses. The separation agreement shall provide for a division 987

of all property; spousal support; if there are minor children of 988
the marriage, the allocation of parental rights and 989
responsibilities for the care of the minor children, the 990
designation of a residential parent and legal custodian of the 991
minor children, child support, and parenting time rights; and, 992
if the spouses so desire, an authorization for the court to 993
modify the amount or terms of spousal support, or the division 994
of property, provided in the separation agreement. If there are 995
minor children of the marriage, the spouses may address the 996
allocation of the parental rights and responsibilities for the 997
care of the minor children by including in the separation 998
agreement a plan under which both parents will have shared 999
rights and responsibilities for the care of the minor children. 1000
The spouses shall file the plan with the petition for 1001
dissolution of marriage and shall include in the plan the 1002
provisions described in ~~division (G) of section 3109.04~~ 3109.046 1003
of the Revised Code. 1004

(2) The division of property in the separation agreement 1005
shall include any participant account, as defined in section 1006
148.01 of the Revised Code, of either of the spouses, to the 1007
extent of the following: 1008

(a) The moneys that have been deferred by a continuing 1009
member or participating employee, as defined in that section, 1010
and that have been transmitted to the Ohio public employees 1011
deferred compensation board during the marriage and any income 1012
that is derived from the investment of those moneys during the 1013
marriage; 1014

(b) The moneys that have been deferred by an officer or 1015
employee of a municipal corporation and that have been 1016
transmitted to the governing board, administrator, depository, 1017

or trustee of the deferred compensation program of the municipal corporation during the marriage and any income that is derived from the investment of those moneys during the marriage;

(c) The moneys that have been deferred by an officer or employee of a government unit, as defined in section 148.06 of the Revised Code, and that have been transmitted to the governing board, as defined in that section, during the marriage and any income that is derived from the investment of those moneys during the marriage.

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

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

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

(2) If a petition for dissolution of marriage contains an authorization for the court to modify the division of property

provided in the separation agreement, the modification shall be 1047
made with the express written consent or agreement of both 1048
spouses. 1049

Sec. 3105.65. (A) If, at the time of the hearing, either 1050
spouse is not satisfied with the separation agreement or does 1051
not wish a dissolution of the marriage and if neither spouse 1052
files a motion pursuant to division (C) of this section to 1053
convert the action to an action for divorce, the court shall 1054
dismiss the petition and refuse to validate the proposed 1055
separation agreement. 1056

(B) If, upon review of the testimony of both spouses and 1057
of the report of the investigator pursuant to the Rules of Civil 1058
Procedure, the court approves the separation agreement and any 1059
amendments to it agreed upon by the parties, it shall grant a 1060
decree of dissolution of marriage that incorporates the 1061
separation agreement. If the separation agreement contains a 1062
plan for the exercise of shared parenting by the spouses, the 1063
court shall review the plan in accordance with the provisions of 1064
~~division (D) (1) of section 3109.04~~ sections 3109.0410 to 1065
3109.0413 of the Revised Code that govern the review of a 1066
pleading or motion requesting shared parenting jointly submitted 1067
by both spouses to a marriage. A decree of dissolution of 1068
marriage has the same effect upon the property rights of the 1069
parties, including rights of dower and inheritance, as a decree 1070
of divorce. The court has full power to enforce its decree and 1071
retains jurisdiction to modify all matters pertaining to the 1072
allocation of parental rights and responsibilities for the care 1073
of the children, to the designation of a residential parent and 1074
legal custodian of the children, to child support, to parenting 1075
time of parents with the children, and to visitation for persons 1076
who are not the children's parents. The court, only in 1077

accordance with division (E) (2) of section 3105.18 of the Revised Code, may modify the amount or terms of spousal support. The court may modify the division of property provided in the separation agreement only upon the express written consent or agreement of both spouses.

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

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

~~responsibilities for the care of the children in either of the~~ 1109
~~following ways:~~ 1110

~~(1) If neither parent files a pleading or motion in~~ 1111
~~accordance with division (G) of this section, if at least one~~ 1112
~~parent files a pleading or motion under that division but no~~ 1113
~~parent who filed a pleading or motion under that division also~~ 1114
~~files a plan for shared parenting, or if at least one parent~~ 1115
~~files both a pleading or motion and a shared parenting plan~~ 1116
~~under that division but no plan for shared parenting is in the~~ 1117
~~best interest of the children, the court, in a manner consistent~~ 1118
~~with the best interest of the children, shall allocate the~~ 1119
~~parental rights and responsibilities for the care of the~~ 1120
~~children primarily to one of the parents, designate that parent~~ 1121
~~as the residential parent and the legal custodian of the child,~~ 1122
~~and divide between the parents the other rights and~~ 1123
~~responsibilities for the care of the children, including, but~~ 1124
~~not limited to, the responsibility to provide support for the~~ 1125
~~children and the right of the parent who is not the residential~~ 1126
~~parent to have continuing contact with the children.~~ 1127

~~(2) If at least one parent files a pleading or motion in~~ 1128
~~accordance with division (G) of this section and a plan for~~ 1129
~~shared parenting pursuant to that division and if a plan for~~ 1130
~~shared parenting is in the best interest of the children and is~~ 1131
~~approved by the court in accordance with division (D) (1) of this~~ 1132
~~section, the court may allocate the parental rights and~~ 1133
~~responsibilities for the care of the children to both parents~~ 1134
~~and issue a shared parenting order requiring the parents to~~ 1135
~~share all or some of the aspects of the physical and legal care~~ 1136
~~of the children in accordance with the approved plan for shared~~ 1137
~~parenting. If the court issues a shared parenting order under~~ 1138
~~this division and it is necessary for the purpose of receiving~~ 1139

~~public assistance, the court shall designate which one of the
parents' residences is to serve as the child's home. The child-
support obligations of the parents under a shared parenting-
order issued under this division shall be determined in-
accordance with Chapters 3119., 3121., 3123., and 3125. of the
Revised Code.~~

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

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

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

~~(b) The court first shall determine the reasoning ability-
of the child. If the court determines that the child does not-
have sufficient reasoning ability to express the child's wishes-
and concern with respect to the allocation of parental rights-
and responsibilities for the care of the child, it shall not-
determine the child's wishes and concerns with respect to the-~~

~~allocation. If the court determines that the child has~~ 1170
~~sufficient reasoning ability to express the child's wishes or~~ 1171
~~concerns with respect to the allocation, it then shall determine~~ 1172
~~whether, because of special circumstances, it would not be in~~ 1173
~~the best interest of the child to determine the child's wishes~~ 1174
~~and concerns with respect to the allocation. If the court~~ 1175
~~determines that, because of special circumstances, it would not~~ 1176
~~be in the best interest of the child to determine the child's~~ 1177
~~wishes and concerns with respect to the allocation, it shall not~~ 1178
~~determine the child's wishes and concerns with respect to the~~ 1179
~~allocation and shall enter its written findings of fact and~~ 1180
~~opinion in the journal. If the court determines that it would be~~ 1181
~~in the best interests of the child to determine the child's~~ 1182
~~wishes and concerns with respect to the allocation, it shall~~ 1183
~~proceed to make that determination.~~ 1184

~~(c) The interview shall be conducted in chambers, and no~~ 1185
~~person other than the child, the child's attorney, the judge,~~ 1186
~~any necessary court personnel, and, in the judge's discretion,~~ 1187
~~the attorney of each parent shall be permitted to be present in~~ 1188
~~the chambers during the interview.~~ 1189

~~(3) No person shall obtain or attempt to obtain from a~~ 1190
~~child a written or recorded statement or affidavit setting forth~~ 1191
~~the child's wishes and concerns regarding the allocation of~~ 1192
~~parental rights and responsibilities concerning the child. No~~ 1193
~~court, in determining the child's best interest for purposes of~~ 1194
~~making its allocation of the parental rights and~~ 1195
~~responsibilities for the care of the child or for purposes of~~ 1196
~~resolving any issues related to the making of that allocation,~~ 1197
~~shall accept or consider a written or recorded statement or~~ 1198
~~affidavit that purports to set forth the child's wishes and~~ 1199
~~concerns regarding those matters.~~ 1200

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

~~If the court determines that either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being a neglected child, that either parent previously has been determined to be the perpetrator of the neglectful act that is the basis of an adjudication that a child is a neglected child, or that there is reason to believe that either parent has acted in a manner resulting in a child being a neglected child, the court shall consider that fact against naming that parent the residential parent and against granting a shared parenting decree. When the court allocates parental rights and responsibilities for the care of children or determines whether to grant shared parenting in any proceeding, it shall consider whether either parent or any member of the household of either parent has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code or a sexually oriented offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any sexually oriented~~

~~offense or other offense involving a victim who at the time of~~ 1232
~~the commission of the offense was a member of the family or~~ 1233
~~household that is the subject of the proceeding and caused~~ 1234
~~physical harm to the victim in the commission of the offense, or~~ 1235
~~has been determined to be the perpetrator of the abusive act~~ 1236
~~that is the basis of an adjudication that a child is an abused~~ 1237
~~child. If the court determines that either parent has been~~ 1238
~~convicted of or pleaded guilty to a violation of section 2919.25~~ 1239
~~of the Revised Code or a sexually oriented offense involving a~~ 1240
~~victim who at the time of the commission of the offense was a~~ 1241
~~member of the family or household that is the subject of the~~ 1242
~~proceeding, has been convicted of or pleaded guilty to any~~ 1243
~~sexually oriented offense or other offense involving a victim~~ 1244
~~who at the time of the commission of the offense was a member of~~ 1245
~~the family or household that is the subject of the proceeding~~ 1246
~~and caused physical harm to the victim in the commission of the~~ 1247
~~offense, or has been determined to be the perpetrator of the~~ 1248
~~abusive act that is the basis of an adjudication that a child is~~ 1249
~~an abused child, it may designate that parent as the residential~~ 1250
~~parent and may issue a shared parenting decree or order only if~~ 1251
~~it determines that it is in the best interest of the child to~~ 1252
~~name that parent the residential parent or to issue a shared~~ 1253
~~parenting decree or order and it makes specific written findings~~ 1254
~~of fact to support its determination.~~ 1255

~~(D) (1) (a) Upon the filing of a pleading or motion by~~ 1256
~~either parent or both parents, in accordance with division (G)~~ 1257
~~of this section, requesting shared parenting and the filing of a~~ 1258
~~shared parenting plan in accordance with that division, the~~ 1259
~~court shall comply with division (D) (1) (a) (i), (ii), or (iii) of~~ 1260
~~this section, whichever is applicable:~~ 1261

~~(i) If both parents jointly make the request in their~~ 1262

~~pleadings or jointly file the motion and also jointly file the~~ 1263
~~plan, the court shall review the parents' plan to determine if~~ 1264
~~it is in the best interest of the children. If the court~~ 1265
~~determines that the plan is in the best interest of the~~ 1266
~~children, the court shall approve it. If the court determines~~ 1267
~~that the plan or any part of the plan is not in the best~~ 1268
~~interest of the children, the court shall require the parents to~~ 1269
~~make appropriate changes to the plan to meet the court's~~ 1270
~~objections to it. If changes to the plan are made to meet the~~ 1271
~~court's objections, and if the new plan is in the best interest~~ 1272
~~of the children, the court shall approve the plan. If changes to~~ 1273
~~the plan are not made to meet the court's objections, or if the~~ 1274
~~parents attempt to make changes to the plan to meet the court's~~ 1275
~~objections, but the court determines that the new plan or any~~ 1276
~~part of the new plan still is not in the best interest of the~~ 1277
~~children, the court may reject the portion of the parents'~~ 1278
~~pleadings or deny their motion requesting shared parenting of~~ 1279
~~the children and proceed as if the request in the pleadings or~~ 1280
~~the motion had not been made. The court shall not approve a plan~~ 1281
~~under this division unless it determines that the plan is in the~~ 1282
~~best interest of the children.~~ 1283

~~(ii) If each parent makes a request in the parent's~~ 1284
~~pleadings or files a motion and each also files a separate plan,~~ 1285
~~the court shall review each plan filed to determine if either is~~ 1286
~~in the best interest of the children. If the court determines~~ 1287
~~that one of the filed plans is in the best interest of the~~ 1288
~~children, the court may approve the plan. If the court~~ 1289
~~determines that neither filed plan is in the best interest of~~ 1290
~~the children, the court may order each parent to submit~~ 1291
~~appropriate changes to the parent's plan or both of the filed~~ 1292
~~plans to meet the court's objections, or may select one of the~~ 1293

~~filed plans and order each parent to submit appropriate changes to the selected plan to meet the court's objections. If changes to the plan or plans are submitted to meet the court's objections, and if any of the filed plans with the changes is in the best interest of the children, the court may approve the plan with the changes. If changes to the plan or plans are not submitted to meet the court's objections, or if the parents submit changes to the plan or plans to meet the court's objections but the court determines that none of the filed plans with the submitted changes is in the best interest of the children, the court may reject the portion of the parents' pleadings or deny their motions requesting shared parenting of the children and proceed as if the requests in the pleadings or the motions had not been made. If the court approves a plan under this division, either as originally filed or with submitted changes, or if the court rejects the portion of the parents' pleadings or denies their motions requesting shared parenting under this division and proceeds as if the requests in the pleadings or the motions had not been made, the court shall enter in the record of the case findings of fact and conclusions of law as to the reasons for the approval or the rejection or denial. Division (D)(1)(b) of this section applies in relation to the approval or disapproval of a plan under this division.~~

~~(iii) If each parent makes a request in the parent's pleadings or files a motion but only one parent files a plan, or if only one parent makes a request in the parent's pleadings or files a motion and also files a plan, the court in the best interest of the children may order the other parent to file a plan for shared parenting in accordance with division (C) of this section. The court shall review each plan filed to determine if any plan is in the best interest of the children.~~

~~If the court determines that one of the filed plans is in the best interest of the children, the court may approve the plan. If the court determines that no filed plan is in the best interest of the children, the court may order each parent to submit appropriate changes to the parent's plan or both of the filed plans to meet the court's objections or may select one filed plan and order each parent to submit appropriate changes to the selected plan to meet the court's objections. If changes to the plan or plans are submitted to meet the court's objections, and if any of the filed plans with the changes is in the best interest of the children, the court may approve the plan with the changes. If changes to the plan or plans are not submitted to meet the court's objections, or if the parents submit changes to the plan or plans to meet the court's objections but the court determines that none of the filed plans with the submitted changes is in the best interest of the children, the court may reject the portion of the parents' pleadings or deny the parents' motion or reject the portion of the parents' pleadings or deny their motions requesting shared parenting of the children and proceed as if the request or requests or the motion or motions had not been made. If the court approves a plan under this division, either as originally filed or with submitted changes, or if the court rejects the portion of the pleadings or denies the motion or motions requesting shared parenting under this division and proceeds as if the request or requests or the motion or motions had not been made, the court shall enter in the record of the case findings of fact and conclusions of law as to the reasons for the approval or the rejection or denial. Division (D) (1) (b) of this section applies in relation to the approval or disapproval of a plan under this division.~~

1325
1326
1327
1328
1329
1330
1332
1333
1334
1335
1336
1337
1338
1339
1340
1341
1342
1343
1344
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355

~~(b) The approval of a plan under division (D) (1) (a) (ii) or (iii) of this section is discretionary with the court. The court shall not approve more than one plan under either division and shall not approve a plan under either division unless it determines that the plan is in the best interest of the children. If the court, under either division, does not determine that any filed plan or any filed plan with submitted changes is in the best interest of the children, the court shall not approve any plan.~~ 1356
1357
1358
1359
1360
1361
1362
1363
1364

~~(c) Whenever possible, the court shall require that a shared parenting plan approved under division (D) (1) (a) (i), (ii), or (iii) of this section ensure the opportunity for both parents to have frequent and continuing contact with the child, unless frequent and continuing contact with any parent would not be in the best interest of the child.~~ 1365
1366
1367
1368
1369
1370

~~(d) If a court approves a shared parenting plan under division (D) (1) (a) (i), (ii), or (iii) of this section, the approved plan shall be incorporated into a final shared parenting decree granting the parents the shared parenting of the children. Any final shared parenting decree shall be issued at the same time as and shall be appended to the final decree of dissolution, divorce, annulment, or legal separation arising out of the action out of which the question of the allocation of parental rights and responsibilities for the care of the children arose.~~ 1371
1372
1373
1374
1375
1376
1377
1378
1379
1380

~~No provisional shared parenting decree shall be issued in relation to any shared parenting plan approved under division (D) (1) (a) (i), (ii), or (iii) of this section. A final shared parenting decree issued under this division has immediate effect as a final decree on the date of its issuance, subject to~~ 1381
1382
1383
1384
1385

~~modification or termination as authorized by this section.~~ 1386

~~(2) If the court finds, with respect to any child under
eighteen years of age, that it is in the best interest of the
child for neither parent to be designated the residential parent
and legal custodian of the child, it may commit the child to a
relative of the child or certify a copy of its findings,
together with as much of the record and the further information,
in narrative form or otherwise, that it considers necessary or
as the juvenile court requests, to the juvenile court for
further proceedings, and, upon the certification, the juvenile
court has exclusive jurisdiction.~~ 1387
1388
1389
1390
1391
1392
1393
1394
1395
1396

~~(E) (1) (a) The court shall not modify a prior decree
allocating parental rights and responsibilities for the care of
children unless it finds, based on facts that have arisen since
the prior decree or that were unknown to the court at the time
of the prior decree, that a change has occurred in the
circumstances of the child, the child's residential parent, or
either of the parents subject to a shared parenting decree, and
that the modification is necessary to serve the best interest of
the child. In applying these standards, the court shall retain
the residential parent designated by the prior decree or the
prior shared parenting decree, unless a modification is in the
best interest of the child and one of the following applies:~~ 1397
1398
1399
1400
1401
1402
1403
1404
1405
1406
1407
1408

~~(i) The residential parent agrees to a change in the
residential parent or both parents under a shared parenting
decree agree to a change in the designation of residential
parent.~~ 1409
1410
1411
1412

~~(ii) The child, with the consent of the residential parent
or of both parents under a shared parenting decree, has been
integrated into the family of the person seeking to become the~~ 1413
1414
1415

~~residential parent.~~ 1416

~~(iii) The harm likely to be caused by a change of
environment is outweighed by the advantages of the change of
environment to the child.~~ 1417
1418
1419

~~(b) One or both of the parents under a prior decree
allocating parental rights and responsibilities for the care of
children that is not a shared parenting decree may file a motion
requesting that the prior decree be modified to give both
parents shared rights and responsibilities for the care of the
children. The motion shall include both a request for
modification of the prior decree and a request for a shared
parenting order that complies with division (G) of this section.
Upon the filing of the motion, if the court determines that a
modification of the prior decree is authorized under division
(E) (1) (a) of this section, the court may modify the prior decree
to grant a shared parenting order, provided that the court shall
not modify the prior decree to grant a shared parenting order
unless the court complies with divisions (A) and (D) (1) of this
section and, in accordance with those divisions, approves the
submitted shared parenting plan and determines that shared
parenting would be in the best interest of the children.~~ 1420
1421
1422
1423
1424
1425
1426
1427
1428
1429
1430
1431
1432
1433
1434
1435
1436

~~(2) In addition to a modification authorized under
division (E) (1) of this section:~~ 1437
1438

~~(a) Both parents under a shared parenting decree jointly
may modify the terms of the plan for shared parenting approved
by the court and incorporated by it into the shared parenting
decree. Modifications under this division may be made at any
time. The modifications to the plan shall be filed jointly by
both parents with the court, and the court shall include them in
the plan, unless they are not in the best interest of the~~ 1439
1440
1441
1442
1443
1444
1445

~~children. If the modifications are not in the best interests of 1446
the children, the court, in its discretion, may reject the 1447
modifications or make modifications to the proposed 1448
modifications or the plan that are in the best interest of the 1449
children. Modifications jointly submitted by both parents under 1450
a shared parenting decree shall be effective, either as 1451
originally filed or as modified by the court, upon their 1452
inclusion by the court in the plan. Modifications to the plan 1453
made by the court shall be effective upon their inclusion by the 1454
court in the plan. 1455~~

~~(b) The court may modify the terms of the plan for shared 1456
parenting approved by the court and incorporated by it into the 1457
shared parenting decree upon its own motion at any time if the 1458
court determines that the modifications are in the best interest 1459
of the children or upon the request of one or both of the 1460
parents under the decree. Modifications under this division may 1461
be made at any time. The court shall not make any modification 1462
to the plan under this division, unless the modification is in 1463
the best interest of the children. 1464~~

~~(c) The court may terminate a prior final shared parenting 1465
decree that includes a shared parenting plan approved under 1466
division (D) (1) (a) (i) of this section upon the request of one or 1467
both of the parents or whenever it determines that shared 1468
parenting is not in the best interest of the children. The court 1469
may terminate a prior final shared parenting decree that 1470
includes a shared parenting plan approved under division (D) (1) 1471
(a) (ii) or (iii) of this section if it determines, upon its own 1472
motion or upon the request of one or both parents, that shared 1473
parenting is not in the best interest of the children. If 1474
modification of the terms of the plan for shared parenting 1475
approved by the court and incorporated by it into the final 1476~~

~~shared parenting decree is attempted under division (E) (2) (a) of
this section and the court rejects the modifications, it may
terminate the final shared parenting decree if it determines
that shared parenting is not in the best interest of the
children.~~ 1477
1478
1479
1480
1481

~~(d) Upon the termination of a prior final shared parenting
decree under division (E) (2) (c) of this section, the court shall
proceed and issue a modified decree for the allocation of
parental rights and responsibilities for the care of the
children under the standards applicable under divisions (A),
(B), and (C) of this section as if no decree for shared
parenting had been granted and as if no request for shared
parenting ever had been made.~~ 1482
1483
1484
1485
1486
1487
1488
1489

~~(F) (1) In determining the best interest of a child
pursuant to this section, whether on an original decree
allocating parental rights and responsibilities for the care of
children or a modification of a decree allocating those rights
and responsibilities, the court shall consider all relevant
factors, including, but not limited to:~~ 1490
1491
1492
1493
1494
1495

~~(a) The wishes of the child's parents regarding the
child's care;~~ 1496
1497

~~(b) If the court has interviewed the child in chambers
pursuant to division (B) of this section regarding the child's
wishes and concerns as to the allocation of parental rights and
responsibilities concerning the child, the wishes and concerns
of the child, as expressed to the court;~~ 1498
1499
1500
1501
1502

~~(c) The child's interaction and interrelationship with the
child's parents, siblings, and any other person who may
significantly affect the child's best interest;~~ 1503
1504
1505

~~(d) The child's adjustment to the child's home, school, and community;~~ 1506
1507

~~(e) The mental and physical health of all persons involved in the situation;~~ 1508
1509

~~(f) The parent more likely to honor and facilitate court-approved parenting time rights or visitation and companionship rights;~~ 1510
1511
1512

~~(g) Whether either parent has failed to make all child support payments, including all arrearages, that are required of that parent pursuant to a child support order under which that parent is an obligor;~~ 1513
1514
1515
1516

~~(h) Whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of an adjudication; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code or a sexually oriented offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the~~ 1517
1518
1519
1520
1521
1522
1523
1524
1525
1526
1527
1528
1529
1530
1531
1532
1533
1534
1535

~~commission of the offense; and whether there is reason to~~ 1536
~~believe that either parent has acted in a manner resulting in a~~ 1537
~~child being an abused child or a neglected child;~~ 1538

~~(i) Whether the residential parent or one of the parents~~ 1539
~~subject to a shared parenting decree has continuously and~~ 1540
~~willfully denied the other parent's right to parenting time in~~ 1541
~~accordance with an order of the court;~~ 1542

~~(j) Whether either parent has established a residence, or~~ 1543
~~is planning to establish a residence, outside this state.~~ 1544

~~(2) In determining whether shared parenting is in the best~~ 1545
~~interest of the children, the court shall consider all relevant~~ 1546
~~factors, including, but not limited to, the factors enumerated~~ 1547
~~in division (F) (1) of this section, the factors enumerated in~~ 1548
~~section 3119.23 of the Revised Code, and all of the following~~ 1549
~~factors:~~ 1550

~~(a) The ability of the parents to cooperate and make~~ 1551
~~decisions jointly, with respect to the children;~~ 1552

~~(b) The ability of each parent to encourage the sharing of~~ 1553
~~love, affection, and contact between the child and the other~~ 1554
~~parent;~~ 1555

~~(c) Any history of, or potential for, child abuse, spouse~~ 1556
~~abuse, other domestic violence, or parental kidnapping by either~~ 1557
~~parent;~~ 1558

~~(d) The geographic proximity of the parents to each other,~~ 1559
~~as the proximity relates to the practical considerations of~~ 1560
~~shared parenting;~~ 1561

~~(e) The recommendation of the guardian ad litem of the~~ 1562
~~child, if the child has a guardian ad litem.~~ 1563

~~(3) When allocating parental rights and responsibilities for the care of children, the court shall not give preference to a parent because of that parent's financial status or condition.~~ 1564
1565
1566

~~(G) Either parent or both parents of any children may file a pleading or motion with the court requesting the court to grant both parents shared parental rights and responsibilities for the care of the children in a proceeding held pursuant to division (A) of this section. If a pleading or motion requesting shared parenting is filed, the parent or parents filing the pleading or motion also shall file with the court a plan for the exercise of shared parenting by both parents. If each parent files a pleading or motion requesting shared parenting but only one parent files a plan or if only one parent files a pleading or motion requesting shared parenting and also files a plan, the other parent as ordered by the court shall file with the court a plan for the exercise of shared parenting by both parents. The plan for shared parenting shall be filed with the petition for dissolution of marriage, if the question of parental rights and responsibilities for the care of the children arises out of an action for dissolution of marriage, or, in other cases, at a time at least thirty days prior to the hearing on the issue of the parental rights and responsibilities for the care of the children. A plan for shared parenting shall include provisions covering all factors that are relevant to the care of the children, including, but not limited to, provisions covering factors such as physical living arrangements, child support obligations, provision for the children's medical and dental care, school placement, and the parent with which the children will be physically located during legal holidays, school holidays, and other days of special importance.~~ 1567
1568
1569
1570
1571
1572
1573
1574
1575
1576
1577
1578
1579
1580
1581
1582
1583
1584
1585
1586
1587
1588
1589
1590
1591
1592
1593

~~(H) If an appeal is taken from a decision of a court that~~ 1594

~~grants or modifies a decree allocating parental rights and~~ 1595
~~responsibilities for the care of children, the court of appeals~~ 1596
~~shall give the case calendar priority and handle it~~ 1597
~~expeditiously.~~ 1598

~~(I)(1) Upon receipt of an order for active military~~ 1599
~~service in the uniformed services, a parent who is subject to an~~ 1600
~~order allocating parental rights and responsibilities or in~~ 1601
~~relation to whom an action to allocate parental rights and~~ 1602
~~responsibilities is pending and who is ordered for active~~ 1603
~~military service shall notify the other parent who is subject to~~ 1604
~~the order or in relation to whom the case is pending of the~~ 1605
~~order for active military service within three days of receiving~~ 1606
~~the military service order.~~ 1607

~~(2) On receipt of the notice described in division (I)(1)~~ 1608
~~of this section, either parent may apply to the court for a~~ 1609
~~hearing to expedite an allocation or modification proceeding so~~ 1610
~~that the court can issue an order before the parent's active~~ 1611
~~military service begins. The application shall include the date~~ 1612
~~on which the active military service begins.~~ 1613

~~The court shall schedule a hearing upon receipt of the~~ 1614
~~application and hold the hearing not later than thirty days~~ 1615
~~after receipt of the application, except that the court shall~~ 1616
~~give the case calendar priority and handle the case~~ 1617
~~expeditiously if exigent circumstances exist in the case.~~ 1618

~~The court shall not modify a prior decree allocating~~ 1619
~~parental rights and responsibilities unless the court determines~~ 1620
~~that there has been a change in circumstances of the child, the~~ 1621
~~child's residential parent, or either of the parents subject to~~ 1622
~~a shared parenting decree, and that modification is necessary to~~ 1623
~~serve the best interest of the child. The court shall not find~~ 1624

~~past, present, or possible future active military service in the 1625
uniformed services to constitute a change in circumstances 1626
justifying modification of a prior decree pursuant to division 1627
(E) of this section. The court shall make specific written 1628
findings of fact to support any modification under this 1629
division. 1630~~

~~(3) Nothing in division (I) of this section shall prevent 1631
a court from issuing a temporary order allocating or modifying 1632
parental rights and responsibilities for the duration of the 1633
parent's active military service. A temporary order shall 1634
specify whether the parent's active military service is the 1635
basis of the order and shall provide for termination of the 1636
temporary order and resumption of the prior order within ten 1637
days after receipt of notice pursuant to division (I) (5) of this 1638
section, unless the other parent demonstrates that resumption of 1639
the prior order is not in the child's best interest. 1640~~

~~(4) At the request of a parent who is ordered for active 1641
military service in the uniformed services and who is a subject 1642
of a proceeding pertaining to a temporary order for the 1643
allocation or modification of parental rights and 1644
responsibilities, the court shall permit the parent to 1645
participate in the proceeding and present evidence by electronic 1646
means, including communication by telephone, video, or internet 1647
to the extent permitted by the rules of the supreme court of 1648
Ohio. 1649~~

~~(5) A parent who is ordered for active military service in 1650
the uniformed services and who is a subject of a proceeding 1651
pertaining to the allocation or modification of parental rights 1652
and responsibilities shall provide written notice to the court, 1653
child support enforcement agency, and the other parent of the 1654~~

~~date of termination of the parent's active military service not later than thirty days after the date on which the service ends.~~ 1655
1656

~~(J)~~ (A) As used in this section sections 3019.04 to 3109.0436 of the Revised Code: 1657
1658

(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code. 1659
1660

~~(2) "Active military service" means service by a member of the uniformed services in compliance with military orders to report for combat operations, contingency operations, peacekeeping operations, a remote tour of duty, or other active service for which the member is required to report unaccompanied by any family member, including any period of illness, recovery from injury, leave, or other lawful absence during that operation, duty, or service.~~ 1661
1662
1663
1664
1665
1666
1667
1668

~~(3) "Decision-making rights and responsibilities" or "decision-making responsibilities" means the ability to determine aspects of the child's life, including the right and duty to protect, train, and discipline the child and decisions regarding food, living conditions, education, and medical care.~~ 1669
1670
1671
1672
1673

(3) "Neglected child" has the same meaning as in section 2151.03 of the Revised Code. 1674
1675

(4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 1676
1677

~~(5) "Uniformed services" means the United States armed forces, the army national guard, and the air national guard or any reserve component thereof, or the commissioned corps of the United States public health service.~~ 1678
1679
1680
1681

~~(K)~~ (B) As used in the Revised Code, "shared: 1682

- (1) "Companionship or visitation order" means an order 1683
issued under section 3109.0452 of the Revised Code. 1684
- (2) "Parental rights and responsibilities order" means any 1685
of the following: 1686
- (a) An order issued or modified under section 3109.0412, 1687
3109.0424, 3109.0425, 3109.0426, 3109.0441, or 3109.0442 of the 1688
Revised Code; 1689
- (b) An order allocating parental rights and 1690
responsibilities for the care of a child issued under section 1691
3109.04 of the Revised Code, as it existed prior to the 1692
effective date of this section, that is not a decree or order 1693
for shared parenting. 1694
- (3) "Parenting time" means the time that a child is 1695
physically located with, and under the care, responsibility, 1696
tutelage, and protection of a parent. 1697
- (4) "Parenting time order" means an order issued under 1698
section 3109.0451 of the Revised Code. 1699
- (5) "Shared parenting" means that the parents share, ~~in~~ 1700
~~the manner set forth in the plan for shared parenting that is~~ 1701
~~approved by the court under division (D) (1) and described in~~ 1702
~~division (L) (6) of this section, all or some of the aspects of~~ 1703
~~physical and legal care of their children, all or some of the~~ 1704
~~aspects of physical and legal care of their children.~~ 1705
- (6) "Shared parenting order" means any of the following: 1706
- (a) Any order allocating parental rights and 1707
responsibilities for the care of children as shared parenting 1708
that is issued or modified under section 3109.0413, 3109.0439, 1709
3109.0440, or 3109.0443 of the Revised Code; 1710

(b) An order allocating parental rights and 1711
responsibilities for the care of a child issued under section 1712
3109.04 of the Revised Code, as it existed prior to the 1713
effective date of this section, that is a decree or order for 1714
shared parenting. 1715

~~(I) For purposes of the Revised Code:~~ 1716

~~(1) A parent who is granted the care, custody, and control~~ 1717
~~of a child under an order that was issued pursuant to this~~ 1718
~~section prior to April 11, 1991, and that does not provide for~~ 1719
~~shared parenting has "custody of the child" and "care, custody,~~ 1720
~~and control of the child" under the order, and is the~~ 1721
~~"residential parent," the "residential parent and legal~~ 1722
~~custodian," or the "custodial parent" of the child under the~~ 1723
~~order.~~ 1724

~~(2) A parent who primarily is allocated the parental~~ 1725
~~rights and responsibilities for the care of a child and who is~~ 1726
~~designated as the residential parent and legal custodian of the~~ 1727
~~child under an order that is issued pursuant to this section on~~ 1728
~~or after April 11, 1991, and that does not provide for shared~~ 1729
~~parenting has "custody of the child" and "care, custody, and~~ 1730
~~control of the child" under the order, and is the "residential~~ 1731
~~parent," the "residential parent and legal custodian," or the~~ 1732
~~"custodial parent" of the child under the order.~~ 1733

~~(3) A parent who is not granted custody of a child under~~ 1734
~~an order that was issued pursuant to this section prior to April~~ 1735
~~11, 1991, and that does not provide for shared parenting is the~~ 1736
~~"parent who is not the residential parent," the "parent who is~~ 1737
~~not the residential parent and legal custodian," or the~~ 1738
~~"noncustodial parent" of the child under the order.~~ 1739

~~(4) A parent who is not primarily allocated the parental rights and responsibilities for the care of a child and who is not designated as the residential parent and legal custodian of the child under an order that is issued pursuant to this section on or after April 11, 1991, and that does not provide for shared parenting is the "parent who is not the residential parent," the "parent who is not the residential parent and legal custodian," or the "noncustodial parent" of the child under the order.~~ 1740
1741
1742
1743
1744
1745
1746
1747

~~(5) Unless the context clearly requires otherwise, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, both parents have "custody of the child" or "care, custody, and control of the child" under the order, to the extent and in the manner specified in the order.~~ 1748
1749
1750
1751
1752
1753

~~(6) Unless the context clearly requires otherwise and except as otherwise provided in the order, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, each parent, regardless of where the child is physically located or with whom the child is residing at a particular point in time, as specified in the order, is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child.~~ 1754
1755
1756
1757
1758
1759
1760
1761

~~(7) Unless the context clearly requires otherwise and except as otherwise provided in the order, a designation in the order of a parent as the residential parent for the purpose of determining the school the child attends, as the custodial parent for purposes of claiming the child as a dependent pursuant to section 152(e) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, or as the residential parent for purposes of receiving public assistance~~ 1762
1763
1764
1765
1766
1767
1768
1769

~~pursuant to division (A) (2) of this section, does not affect the~~ 1770
~~designation pursuant to division (L) (6) of this section of each~~ 1771
~~parent as the "residential parent," the "residential parent and~~ 1772
~~legal custodian," or the "custodial parent" of the child.~~ 1773

~~(M) The court shall require each parent of a child to file~~ 1774
~~an affidavit attesting as to whether the parent, and the members~~ 1775
~~of the parent's household, have been convicted of or pleaded~~ 1776
~~guilty to any of the offenses identified in divisions (C) and~~ 1777
~~(F) (1) (h) of this section.~~ 1778

Sec. 3109.042. (A) An unmarried female who gives birth to 1779
a child is the sole residential parent and legal custodian of 1780
the child until a court of competent jurisdiction issues an 1781
order ~~designating another person as the residential parent and~~ 1782
~~legal custodian~~allocating parental rights and responsibilities 1783
regarding the child in accordance with sections 3109.04 to 1784
3109.0445, 3109.0482, 3109.0483, and 3127.01 to 3127.53 of the 1785
Revised Code. A court ~~designating the residential parent and~~ 1786
~~legal custodian of a child~~making an allocation as described in 1787
this section shall treat the mother and father as standing upon 1788
an equality ~~when making the designation.~~ 1789

(B) Notwithstanding division (A) of this section, an 1790
unmarried female who has been convicted of or pleaded guilty to 1791
rape or sexual battery and has been declared under section 1792
3109.501 of the Revised Code to be the parent of a child born as 1793
a result of rape or sexual battery shall not be a residential 1794
parent and legal custodian of that child. 1795

Sec. 3109.044. It is the policy of this state: 1796

(A) To assure that minor children have frequent 1797
associations and a continuing relationship with both parents 1798

after the parents have legally separated, divorced, or dissolved 1799
or annulled their marriage or in situations in which the mother 1800
is unmarried; 1801

(B) To encourage parents to share the rights and 1802
responsibilities of child rearing; 1803

(C) That, to the greatest degree possible, parents share 1804
equally in parenting time and the rights and responsibilities of 1805
rearing their children. 1806

Sec. 3109.045. (A) In any divorce, legal separation, or 1807
annulment proceeding and in any proceeding pertaining to the 1808
allocation of parental rights and responsibilities for the care 1809
of a child, upon hearing the testimony of either or both parents 1810
and considering any mediation report filed pursuant to section 1811
3109.0469 of the Revised Code and in accordance with sections 1812
3127.01 to 3127.53 of the Revised Code, the court shall allocate 1813
the parental rights and responsibilities for the care of the 1814
minor children of the marriage. Subject to section 3109.0435 of 1815
the Revised Code, the court shall allocate parental rights and 1816
responsibilities for the care of the children in accordance with 1817
the policy stated in section 3109.044 of the Revised Code and in 1818
a manner that promotes the best interest of the children. 1819

(B) In allocating parental rights and responsibilities for 1820
the care of the child, the court shall encourage the parents to 1821
jointly submit a shared parenting agreement under section 1822
3109.047 of the Revised Code. 1823

(C) The court may allocate parental rights and 1824
responsibilities in one of the following ways: 1825

(1) In a shared parenting order issued under section 1826
3109.0413 of the Revised Code; 1827

(2) A parental rights and responsibilities order under 1828
section 3109.0412, 3109.0424, 3109.0425, or 3109.0426 of the 1829
Revised Code. 1830

Sec. 3109.046. Every shared parenting order and parental 1831
rights and responsibilities order shall include all of the 1832
following: 1833

(A) Provisions regarding each child's needs that are 1834
consistent with the child's age, developmental stage, and 1835
maturity; 1836

(B) The designation of a parent for the following 1837
purposes: 1838

(1) Paying and receiving child support, health care 1839
coverage, and cash medical support in accordance with Chapters 1840
3119., 3121., 3123., and 3125. of the Revised Code; 1841

(2) Determining the school district of attendance; 1842

(3) Claiming the child as a dependent for income tax 1843
purposes; 1844

(4) For any other purpose requiring designation of one 1845
parent, including public assistance, international treaty 1846
enforcement, or state or federal law. 1847

(C) The parenting time schedule for weekdays, weekends, 1848
holidays, days that hold special meaning to the child or 1849
parents, vacations, and other relevant times; 1850

(D) The frequency, time, and method of the child's 1851
communication with a parent during the parenting time; 1852

(E) The allocation of decision-making and other 1853
responsibilities related to the welfare of the child, including 1854

education, child care, health care, and school and 1855
extracurricular activities; 1856

(F) The procedure for parenting time, including the 1857
meeting location and the person responsible for transportation; 1858

(G) The frequency and method for the parents to 1859
communicate with each other about the child; 1860

(H) The process of information sharing and right to access 1861
the child's school records, health records, records of the 1862
childcare facilities, and school and extracurricular activities; 1863

(I) Any geographical restriction on relocation of the 1864
child and notification procedure prior to the relocation of the 1865
child pursuant to sections 3109.0470 to 3109.0479 of the Revised 1866
Code; 1867

(J) Each parent's responsibility for the child's financial 1868
support, consistent with section 3109.05 and Chapters 3119., 1869
3121., 3123., and 3125. of the Revised Code; 1870

(K) Procedures for the parents to resolve disputes through 1871
nonadversarial dispute resolution processes; 1872

(L) Each parent's responsibility to provide written 1873
notification to the other parent and the court of a change of 1874
contact information, including street address, mailing address, 1875
electronic mail address, or telephone number in compliance with 1876
section 3109.0473 of the Revised Code; 1877

(M) Any other provisions required by statute or the court. 1878

Sec. 3109.047. In any divorce, legal separation, or 1879
annulment proceeding and in any proceeding pertaining to the 1880
allocation of parental rights and responsibilities for the care 1881
of a child, the parents of a child may jointly make and file 1882

with the court a shared parenting agreement for the allocation 1883
of parental rights and responsibilities. 1884

Sec. 3109.048. A shared parenting agreement shall contain 1885
provisions that address all the requirements of section 3109.046 1886
of the Revised Code and shall be filed not later than thirty 1887
days before a hearing to determine the allocation of parental 1888
rights and responsibilities, except that the court may waive the 1889
thirty-day deadline for good cause shown. 1890

Sec. 3109.0410. If the parents have an agreement 1891
allocating the parental rights and responsibilities for the care 1892
of the children, to be incorporated into a shared parenting 1893
order as originally issued or as modified, there is a rebuttable 1894
presumption the agreement is in the best interest of the 1895
children, unless the court finds, by clear and convincing 1896
evidence, based on the factors listed in section 3109.0411 of 1897
the Revised Code, that the allocation would be detrimental to 1898
the children. 1899

Sec. 3109.0411. In determining whether the presumption 1900
under section 3109.0410 of the Revised Code is rebutted, the 1901
court shall consider all relevant factors, including the 1902
following: 1903

(A) The demonstrated ability of each parent to cooperate 1904
with the other parent and to encourage the sharing of love, 1905
affection, and contact between the child and the other parent. 1906

(B) Any history of child abuse or neglect, spouse abuse, 1907
other domestic violence, or parental kidnapping by either 1908
parent, including whether either parent or any member of the 1909
household of either parent previously has been convicted of or 1910
pleaded guilty to any criminal offense involving any act that 1911

resulted in a child being an abused child or a neglected child; 1912
whether either parent, in a case in which a child has been 1913
adjudicated an abused child or a neglected child, previously has 1914
been determined to be the perpetrator of the abusive or 1915
neglectful act that is the basis of an adjudication; whether 1916
either parent or any member of the household of either parent 1917
previously has been convicted of or pleaded guilty to a 1918
violation of section 2919.25 of the Revised Code or a sexually 1919
oriented offense involving a victim who at the time of the 1920
commission of the offense was a member of the family or 1921
household that is the subject of the current proceeding; whether 1922
either parent or any member of the household of either parent 1923
previously has been convicted of or pleaded guilty to any 1924
offense involving a victim who at the time of the commission of 1925
the offense was a member of the family or household that is the 1926
subject of the current proceeding and caused physical harm to 1927
the victim in the commission of the offense; and whether there 1928
is reason to believe that either parent has acted in a manner 1929
resulting in a child being an abused child or a neglected child; 1930

(C) The mental and physical health of all persons involved 1931
in the situation; 1932

(D) Whether a parent is totally incapable of supporting or 1933
caring for the child. 1934

Sec. 3109.0412. (A) If, based on section 3109.0411 of the 1935
Revised Code, the court determines by clear and convincing 1936
evidence that the presumption in section 3109.0410 of the 1937
Revised Code is rebutted, the court shall require the parents to 1938
make appropriate changes to the plan or any part of the plan to 1939
meet the court's objections to it, subject to section 3109.0435 1940
of the Revised Code. 1941

(B) If the court determines that changes to the plan meet 1942
the court's objections, the court shall approve the plan. 1943

(C) If the court determines that changes to the plan do 1944
not meet the court's objections, or if the parents attempt to 1945
make changes to the plan to meet the court's objections, but the 1946
court determines that the new plan or any part of the new plan 1947
does not meet the court's objections, the court shall proceed as 1948
if no shared parenting agreement has been filed, pursuant to 1949
sections 3109.0420 to 3109.0426 of the Revised Code. 1950

Sec. 3109.0413. (A) A court shall approve a shared 1951
parenting agreement submitted under section 3109.047 of the 1952
Revised Code if the agreement has not been rebutted based on 1953
section 3109.0411 of the Revised Code, in accordance with 1954
section 3109.0410 of the Revised Code. 1955

(B) If a court approves a shared parenting agreement, the 1956
agreement shall be incorporated into an order granting shared 1957
parenting of the children. Any such order shall be issued at the 1958
same time as and shall be appended to the final decree of 1959
dissolution, divorce, annulment, or legal separation arising out 1960
of the action out of which the question of the allocation of 1961
parental rights and responsibilities for the care of the 1962
children arose. 1963

(C) No provisional order shall be issued in relation to 1964
any shared parenting agreement approved under this section. An 1965
order issued under this section takes immediate effect as a 1966
final order as of the date of its issuance, subject to 1967
modification or termination as authorized by this section. 1968

Sec. 3109.0414. If the court issues an order allocating 1969
parental rights and responsibilities for the care of the 1970

children and the court designates a parent's residence to serve 1971
as the child's home for the purpose of receiving public 1972
assistance or establishing the school district of residence as 1973
required under section 3109.046 of the Revised Code, such a 1974
designation does not affect the child's residency for any other 1975
purpose, nor does it affect a parent's status as a legal 1976
custodian of the child or that parent's status as a residential 1977
parent for any other purpose. 1978

Sec. 3109.0415. (A) Unless the context clearly requires 1979
otherwise, if an order is issued by a court pursuant to sections 1980
3109.0413, 3109.0424, 3109.0425, or 3109.0426 of the Revised 1981
Code and the order provides for shared parenting of a child, 1982
both parents have "custody of the child" or "care, custody, and 1983
control of the child" under the order, to the extent and in the 1984
manner specified in the order. 1985

(B) Unless the context clearly requires otherwise and 1986
except as otherwise provided in the order, if an order is issued 1987
by a court pursuant to sections 3109.0413, 3109.0424, 3109.0425, 1988
and 3109.0426 of the Revised Code and the order provides for 1989
shared parenting of a child, each parent, regardless of where 1990
the child is physically located or with whom the child is 1991
residing at a particular point in time, as specified in the 1992
order, is the "residential parent," the "residential parent and 1993
legal custodian," or the "custodial parent" of the child. 1994

(C) Unless the context clearly requires otherwise and 1995
except as otherwise provided in the order, a designation in the 1996
order of a parent as the residential parent for the purpose of 1997
determining the school the child attends, as the custodial 1998
parent for purposes of claiming the child as a dependent 1999
pursuant to section 152(e) of the "Internal Revenue Code of 2000

1986," 26 U.S.C. 1, as amended, or as the residential parent for 2001
purposes of receiving public assistance pursuant to section 2002
3109.0414 of the Revised Code, does not affect the designation 2003
pursuant to division (B) of this section of each parent as the 2004
"residential parent," the "residential parent and legal 2005
custodian," or the "custodial parent" of the child. 2006

Sec. 3109.0419. (A) When the parents have not entered into 2007
a shared parenting agreement under section 3109.047 of the 2008
Revised Code, with the intent to have it incorporated into an 2009
original order, or a modified decree or order, allocating 2010
parental rights and responsibilities for their children, each 2011
parent shall submit to the court all of the following 2012
information: 2013

(1) The parent's work schedule; 2014

(2) Living arrangements of the parent and the child; 2015

(3) Factors for rebutting a presumption under section 2016
3109.0420 of the Revised Code, if any, based on section 2017
3109.0421 or 3109.0422 of the Revised Code, whichever is 2018
applicable; 2019

(4) Any other circumstances that are relevant to 2020
determining the allocation of parental rights and 2021
responsibilities and an appropriate parenting time schedule to 2022
maximize the child's time with each parent. 2023

(B) Each parent shall submit the information in division 2024
(A) of this section not later than thirty days before a hearing 2025
to determine the allocation of parental rights and 2026
responsibilities, except that the court may waive the thirty-day 2027
deadline for good cause shown. 2028

Sec. 3109.0420. When the parents have not entered into a 2029

shared parenting agreement under section 3109.047 of the Revised 2030
Code, with the intent to have it incorporated into an original 2031
order, or a modified decree or order, allocating parental rights 2032
and responsibilities for their children, both of the following 2033
apply: 2034

(A) There is a rebuttable presumption that equal decision- 2035
making rights and responsibilities between the parents, with 2036
both parents remaining legal custodians and residential parents, 2037
is in the best interest of the children. This presumption is 2038
rebutted only if the court finds by clear and convincing 2039
evidence, based on the factors listed in section 3109.0421 of 2040
the Revised Code, that such an arrangement would be detrimental 2041
to the children. If a parent objects to both parents retaining 2042
equal decision-making responsibilities and requests to be 2043
designated the sole residential parent and legal custodian, that 2044
parent bears the burden of proof that the agreement would be 2045
detrimental to the children. If the court finds the presumption 2046
is rebutted, it shall issue findings of fact and conclusions of 2047
law supporting the determination. 2048

(B) There is a rebuttable presumption that equal parenting 2049
time is in the best interest of the children. This presumption 2050
is rebutted only if the court finds by clear and convincing 2051
evidence, based on the factors listed in section 3109.0422 of 2052
the Revised Code, that an equal parenting time arrangement would 2053
be detrimental to the minor children. If a parent objects to 2054
equal parenting time, that parent bears the burden of proof that 2055
such an arrangement would be detrimental to the minor children. 2056
If the court finds the presumption is rebutted, it shall issue 2057
findings of fact and conclusions of law supporting the 2058
determination. 2059

Sec. 3109.0421. In determining whether the presumption 2060
under division (A) of section 3109.0420 of the Revised Code of 2061
equal decision-making rights and responsibilities between the 2062
parents, with both parents remaining legal custodians and 2063
residential parents, is rebutted, the court shall consider all 2064
relevant factors, including the following: 2065

(A) The demonstrated ability of each parent to cooperate 2066
with the other parent and to encourage the sharing of love, 2067
affection, and contact between the child and the other parent; 2068

(B) Any history of child abuse or neglect, spouse abuse, 2069
other domestic violence, or parental kidnapping by either 2070
parent, including whether either parent or any member of the 2071
household of either parent previously has been convicted of, or 2072
pleaded guilty to, any criminal offense involving any act that 2073
resulted in a child being an abused child or a neglected child; 2074
whether either parent, in a case in which a child has been 2075
adjudicated an abused child or a neglected child, previously has 2076
been determined to be the perpetrator of the abusive or 2077
neglectful act that is the basis of an adjudication; whether 2078
either parent or any member of the household of either parent 2079
previously has been convicted of or pleaded guilty to a 2080
violation of section 2919.25 of the Revised Code or a sexually 2081
oriented offense involving a victim who at the time of the 2082
commission of the offense was a member of the family or 2083
household that is the subject of the current proceeding; whether 2084
either parent or any member of the household of either parent 2085
previously has been convicted of or pleaded guilty to any 2086
offense involving a victim who at the time of the commission of 2087
the offense was a member of the family or household that is the 2088
subject of the current proceeding and caused physical harm to 2089
the victim in the commission of the offense; and whether there 2090

is reason to believe that either parent has acted in a manner 2091
resulting in a child being an abused child or a neglected child. 2092

(C) The mental health of all persons involved in the 2093
situation; 2094

(D) The recommendation of the guardian ad litem of the 2095
child, if the child has a guardian ad litem, provided that the 2096
court does not rely on that recommendation as the sole basis for 2097
its determination and the recommendation is subject to the 2098
policy stated in section 3109.044 of the Revised Code; 2099

(E) Whether a parent is totally incapable of supporting or 2100
caring for the child. 2101

Sec. 3109.0422. In determining whether the presumption, 2102
under division (B) of section 3109.0420 of the Revised Code of 2103
equal parenting time, is rebutted, the court shall consider all 2104
relevant factors, including the following: 2105

(A) Any history of child abuse, spouse abuse, other 2106
domestic violence, or parental kidnapping by either parent, 2107
including whether either parent or any member of the household 2108
of either parent previously has been convicted of, or pleaded 2109
guilty to, any criminal offense involving any act that resulted 2110
in a child being an abused child or a neglected child; whether 2111
either parent, in a case in which a child has been adjudicated 2112
an abused child or a neglected child, previously has been 2113
determined to be the perpetrator of the abusive or neglectful 2114
act that is the basis of an adjudication; whether either parent 2115
or any member of the household of either parent previously has 2116
been convicted of or pleaded guilty to a violation of section 2117
2919.25 of the Revised Code or a sexually oriented offense 2118
involving a victim who at the time of the commission of the 2119

offense was a member of the family or household that is the 2120
subject of the current proceeding; whether either parent or any 2121
member of the household of either parent previously has been 2122
convicted of or pleaded guilty to any offense involving a victim 2123
who at the time of the commission of the offense was a member of 2124
the family or household that is the subject of the current 2125
proceeding and caused physical harm to the victim in the 2126
commission of the offense; and whether there is reason to 2127
believe that either parent has acted in a manner resulting in a 2128
child being an abused child or a neglected child. 2129

(B) The geographic proximity of the parents to each other 2130
at the time of initial filing, as the proximity relates to the 2131
practical considerations of parenting time and whether a parent 2132
has relocated to impede equal parenting time; 2133

(C) If the court has interviewed the child in chambers 2134
pursuant to section 3109.0430 of the Revised Code, regarding the 2135
child's wishes and concerns as to the allocation of parental 2136
rights and responsibilities concerning the child, the wishes and 2137
concerns of the child, as expressed to the court; 2138

(D) The child's interaction and interrelationship with the 2139
child's parents, siblings, and any other person who has a 2140
significant relationship with the child; 2141

(E) The child's adjustment to the child's home, school, 2142
and community; 2143

(F) The mental and physical health of all persons involved 2144
in the situation; 2145

(G) Whether a parent has continuously and willfully 2146
interfered with or denied the other parent's right to parenting 2147
time in accordance with an order of the court; 2148

(H) Whether either parent has established a residence, or
is planning to establish a residence, outside this state; 2149
2150

(I) The recommendation of the guardian ad litem of the
child, if the child has a guardian ad litem, provided that the
court does not rely on the recommendation as the sole basis for
its determination and the recommendation is subject to the
policy stated in section 3109.044 of the Revised Code; 2151
2152
2153
2154
2155

(J) Whether a parent is totally incapable of supporting or
caring for the child. 2156
2157

Sec. 3109.0423. If, based on section 3109.0421 or
3109.0422 of the Revised Code, the court determines by clear and
convincing evidence that either or both presumptions under
section 3109.0420 of the Revised Code are rebutted, the court
shall determine whether a parent has intentionally done any of
the following: 2158
2159
2160
2161
2162
2163

(A) Misled the court to cause an unnecessary delay,
increase the cost of litigation, or persuade the court to give
that parent a preference regarding decision-making rights and
responsibilities or parenting time, whichever presumption has
been rebutted; 2164
2165
2166
2167
2168

(B) Made false allegations against the other parent of
harm to the child; 2169
2170

(C) Communicated false information to law enforcement, a
public children services agency, or the court in order to gain a
tactical advantage in a proceeding to determine the allocation
of parental rights and responsibilities. 2171
2172
2173
2174

Sec. 3109.0424. (A) If the court determines by clear and
convincing evidence that the presumption under section 3109.0420
of the Revised Code regarding equal decision-making 2175
2176
2177

responsibilities between the parents is rebutted, the court 2178
shall do the following: 2179

(1) Issue an order designating one parent as the 2180
residential parent and legal custodian of the child; 2181

(2) Allocate most of the decision-making rights and 2182
responsibilities to the parent who has: 2183

(a) Demonstrated a greater and consistent willingness to 2184
cooperate with the other parent and to encourage the sharing of 2185
love, affection, and contact between the child and the other 2186
parent; 2187

(b) Not been determined to have done any of the actions in 2188
section 3109.0423 of the Revised Code. 2189

(B) If the court determines that the equal decision-making 2190
rights and responsibilities presumption is rebutted, but has not 2191
determined that the equal parenting time presumption under 2192
section 3109.0420 of the Revised Code is rebutted, the court 2193
shall award equal parenting time between the parents. 2194

Sec. 3109.0425. (A) If the court determines by clear and 2195
convincing evidence that the presumption under section 3109.0420 2196
of the Revised Code regarding equal parenting time is rebutted, 2197
the court shall do the following: 2198

(1) Issue an order allocating parental rights and 2199
responsibilities with unequal parenting time in accordance with 2200
its determination; 2201

(2) Award the majority of parenting time to the parent 2202
who: 2203

(a) Is more likely to honor and facilitate parenting time 2204
for the other parent or visitation and companionship for others, 2205

if the court determines that one parent has interfered with or 2206
continuously and willfully denied the other parent's right to 2207
parenting time in accordance with an order of the court, unless 2208
the court finds by clear and convincing evidence that such an 2209
award would be detrimental to the child for other reasons 2210
provided in section 3109.0422 of the Revised Code; 2211

(b) Has not been determined to have done any of the 2212
actions in section 3109.0423 of the Revised Code. 2213

(3) Construct a parenting time schedule with the child 2214
that is consistent with ensuring the child's welfare. 2215

(B) If the court determines that the equal parenting time 2216
presumption is rebutted, but has not determined that the equal 2217
decision-making rights and responsibilities presumption under 2218
section 3109.0420 of the Revised Code is rebutted, it shall 2219
award equal decision-making rights and responsibilities to the 2220
parents. 2221

Sec. 3109.0426. If the presumptions under section 2222
3109.0420 of the Revised Code have not been rebutted in 2223
accordance with section 3109.0421 or 3109.0422 of the Revised 2224
Code, the court shall issue an order allocating both of the 2225
following to the parents: 2226

(A) Equal decision-making rights and responsibilities, 2227
with both parents being designated as the residential parent and 2228
legal custodian of the child; 2229

(B) Equal parenting time. 2230

Sec. 3109.0430. (A) In determining the child's best 2231
interest for purposes of making its allocation of the parental 2232
rights and responsibilities for the care of the child and for 2233
purposes of resolving any issues related to the making of that 2234

allocation, the court, in its discretion, may and, upon the 2235
request of either party, shall interview in chambers any or all 2236
of the involved children regarding their wishes and concerns 2237
with respect to the allocation. 2238

(B) If the court interviews any child pursuant to division 2239
(A) of this section, all of the following apply: 2240

(1) The court, in its discretion, may and, upon the motion 2241
of either parent, shall appoint a guardian ad litem for the 2242
child. 2243

(2) The court first shall determine the reasoning ability 2244
of the child. If the court determines that the child does not 2245
have sufficient reasoning ability to express the child's wishes 2246
and concern with respect to the allocation of parental rights 2247
and responsibilities for the care of the child, it shall not 2248
determine the child's wishes and concerns with respect to the 2249
allocation. If the court determines that the child has 2250
sufficient reasoning ability to express the child's wishes or 2251
concerns with respect to the allocation, it then shall determine 2252
whether, because of special circumstances, it would not be in 2253
the best interest of the child to determine the child's wishes 2254
and concerns with respect to the allocation. If the court 2255
determines that, because of special circumstances, it would not 2256
be in the best interest of the child to determine the child's 2257
wishes and concerns with respect to the allocation, it shall not 2258
determine the child's wishes and concerns with respect to the 2259
allocation and shall enter its written findings of fact and 2260
opinion in the journal. If the court determines that it would be 2261
in the best interests of the child to determine the child's 2262
wishes and concerns with respect to the allocation, it shall 2263
proceed to make that determination. 2264

(3) The interview shall be conducted in chambers, and no 2265
person other than the child, the child's attorney, the judge, 2266
any necessary court personnel, and, in the judge's discretion, 2267
the attorney of each parent shall be permitted to be present in 2268
the chambers during the interview. 2269

(C) No person shall obtain or attempt to obtain from a 2270
child a written or recorded statement or affidavit setting forth 2271
the child's wishes and concerns regarding the allocation of 2272
parental rights and responsibilities concerning the child. No 2273
court, in determining the child's best interest for purposes of 2274
making its allocation of the parental rights and 2275
responsibilities for the care of the child or for purposes of 2276
resolving any issues related to the making of that allocation, 2277
shall accept or consider a written or recorded statement or 2278
affidavit that purports to set forth the child's wishes and 2279
concerns regarding those matters. 2280

Sec. 3109.0431. Prior to trial, the court may cause an 2281
investigation to be made as to the character, family relations, 2282
past conduct, earning ability, and financial worth of each 2283
parent and may order the parents and their minor children to 2284
submit to medical, psychological, and psychiatric examinations. 2285
The report of the investigation and examinations shall be made 2286
available to either parent or the parent's counsel of record not 2287
less than five days before trial, upon written request. The 2288
report shall be signed by the investigator, and the investigator 2289
shall be subject to cross-examination by either parent 2290
concerning the contents of the report. The court may tax as 2291
costs all or any part of the expenses for each investigation. 2292

If the court determines that either parent previously has 2293
been convicted of or pleaded guilty to any criminal offense 2294

involving any act that resulted in a child being a neglected 2295
child, that either parent previously has been determined to be 2296
the perpetrator of the neglectful act that is the basis of an 2297
adjudication that a child is a neglected child, or that there is 2298
reason to believe that either parent has acted in a manner 2299
resulting in a child being a neglected child, the court shall 2300
consider that fact against naming that parent the residential 2301
parent and against granting a shared parenting or parental 2302
rights and responsibilities order. When the court allocates 2303
parental rights and responsibilities for the care of children or 2304
determines whether to grant shared parenting in any proceeding, 2305
it shall consider whether either parent or any member of the 2306
household of either parent has been convicted of or pleaded 2307
guilty to a violation of section 2919.25 of the Revised Code or 2308
a sexually oriented offense involving a victim who at the time 2309
of the commission of the offense was a member of the family or 2310
household that is the subject of the proceeding, has been 2311
convicted of or pleaded guilty to any sexually oriented offense 2312
or other offense involving a victim who at the time of the 2313
commission of the offense was a member of the family or 2314
household that is the subject of the proceeding and caused 2315
physical harm to the victim in the commission of the offense, or 2316
has been determined to be the perpetrator of the abusive act 2317
that is the basis of an adjudication that a child is an abused 2318
child. If the court determines that either parent has been 2319
convicted of or pleaded guilty to a violation of section 2919.25 2320
of the Revised Code or a sexually oriented offense involving a 2321
victim who at the time of the commission of the offense was a 2322
member of the family or household that is the subject of the 2323
proceeding, has been convicted of or pleaded guilty to any 2324
sexually oriented offense or other offense involving a victim 2325
who at the time of the commission of the offense was a member of 2326

the family or household that is the subject of the proceeding 2327
and caused physical harm to the victim in the commission of the 2328
offense, or has been determined to be the perpetrator of the 2329
abusive act that is the basis of an adjudication that a child is 2330
an abused child, it may designate that parent as the residential 2331
parent and may issue a shared parenting or parental rights and 2332
responsibilities order only if it determines that it is in the 2333
best interest of the child to name that parent the residential 2334
parent or to issue a shared parenting or parental rights and 2335
responsibilities order and it makes specific written findings of 2336
fact to support its determination. 2337

Sec. 3109.0432. When allocating parental rights and 2338
responsibilities for the care of children, the court shall not 2339
give preference to a parent because of that parent's financial 2340
status or condition. 2341

Sec. 3109.0433. The court shall require each parent of a 2342
child to file an affidavit attesting as to whether the parent, 2343
and the members of the parent's household, have been convicted 2344
of or pleaded guilty to any of the offenses identified in 2345
division (B) of section 3109.0411, division (B) of section 2346
3109.0421, division (A) of section 3109.0422, or section 2347
3109.0431 of the Revised Code. 2348

Sec. 3109.0434. When allocating parental rights and 2349
responsibilities for the care of children in either a shared 2350
parenting order or a parental rights and responsibilities order, 2351
the court shall not draw any presumptions from a temporary order 2352
under section 3109.0436 of the Revised Code or consider a 2353
temporary order as a factor in making a final decision. 2354

Sec. 3109.0435. If the court finds, with respect to any 2355
child under eighteen years of age, that it is in the best 2356

interest of the child for neither parent to be allocated the 2357
parental rights and responsibilities for the child, it may 2358
commit the child to a relative of the child or certify a copy of 2359
its findings, together with as much of the record and the 2360
further information, in narrative form or otherwise, that it 2361
considers necessary or as the juvenile court requests, to the 2362
juvenile court for further proceedings, and, upon the 2363
certification, the juvenile court has exclusive jurisdiction. 2364

Sec. ~~3109.043~~ 3109.0436. (A) In any proceeding pertaining 2365
to the allocation of parental rights and responsibilities for 2366
the care of a child, when requested in the complaint, answer, or 2367
counterclaim, or by motion served with the pleading, upon 2368
satisfactory proof by affidavit duly filed with the clerk of the 2369
court, the court, without oral hearing and for good cause shown, 2370
may make a temporary order regarding the allocation of parental 2371
rights and responsibilities for the care of the child while the 2372
action is pending. 2373

(B) In accordance with section 3109.044 of the Revised 2374
Code: 2375

(1) If both parents jointly request the terms of a 2376
temporary allocation of parental rights and responsibilities, 2377
the court shall incorporate those terms into the temporary 2378
order, unless the court finds by clear and convincing evidence 2379
that it would be detrimental to the child. 2380

(2) (a) If requested by a parent when the parents do not 2381
agree on the terms of a temporary allocation of parental rights 2382
and responsibilities, the court shall provide in the temporary 2383
order equal parenting time with the child, unless the court 2384
finds by clear and convincing evidence that it would be 2385
detrimental to the child. If either parent objects to equal 2386

parenting time, that parent bears the burden of proof that equal parenting time would be detrimental to the child. If the court determines by clear and convincing evidence that equal parenting time would be detrimental to the child, it shall issue findings of fact and conclusions of law supporting the determination. 2387
2388
2389
2390
2391

(b) If requested by a parent when the parents do not agree on the terms of a temporary allocation of parental rights and responsibilities, the court shall provide in the temporary order equal decision-making responsibilities for both parents, unless the court finds by clear and convincing evidence that it would be detrimental to the child. If either parent objects to equal decision-making responsibilities and requests to be designated as the sole residential parent and legal custodian of the child, that parent bears the burden of proof that equal decision-making responsibilities would be detrimental to the child. If the court grants the parent's request for the designation as sole residential parent and legal custodian, it shall issue findings of fact and conclusions of law supporting the determination. 2392
2393
2394
2395
2396
2397
2398
2399
2400
2401
2402
2403
2404

(C) If a parent and child relationship has not already been established pursuant to section 3111.02 of the Revised Code, the court ~~may~~shall take into consideration when determining whether to award parenting time, visitation rights, or temporary custody to a putative father that the putative father is named on the birth record of the child, the child has the putative father's surname, or a clear pattern of a parent and child relationship between the child and the putative father exists. 2405
2406
2407
2408
2409
2410
2411
2412
2413

(D) The court may extend a temporary order that is issued under this section if the parents file a joint motion requesting an extension. 2414
2415
2416

Sec. 3109.0437. The court shall issue a final shared 2417
parenting order under section 3109.0413 of the Revised Code or a 2418
parental rights and responsibilities order under section 2419
3109.0412, 3109.0424, 3109.0425, or 3109.0426 of the Revised 2420
Code not later than nine months after either of the following, 2421
whichever is applicable: 2422

(A) The date that a party files a motion for a temporary 2423
order to allocate parental rights and responsibilities under 2424
division (A) of section 3109.0436 of the Revised Code; 2425

(B) If a temporary order has been extended, the date that 2426
the parties last filed a joint motion requesting an extension 2427
under division (D) of section 3109.0436 of the Revised Code. 2428

Sec. 3109.0438. One or both of the parents under a 2429
parental rights and responsibilities order or a shared parenting 2430
order may file a motion requesting that the order be modified or 2431
terminated in accordance with sections 3109.0439 to 3109.0443 of 2432
the Revised Code. 2433

Sec. 3109.0439. (A) If both parents under a shared 2434
parenting order agree to a modification of the shared parenting 2435
agreement incorporated into the order and jointly file a motion 2436
with the court requesting the modification, the court shall 2437
issue a modified shared parenting order incorporating the 2438
modified agreement, if the court finds the modified agreement is 2439
not detrimental to the child based on the factors under section 2440
3109.0411 of the Revised Code. If the court finds the modified 2441
agreement is detrimental, it shall dismiss the motion requesting 2442
modification. 2443

(B) If one parent under a shared parenting order files a 2444
motion requesting modification of the shared parenting agreement 2445

incorporated into the order, or if both parents file separate 2446
motions requesting modifications of that agreement, the court 2447
may do any of the following, as applicable, provided that, based 2448
on facts that have arisen that were unknown to the court at the 2449
time of the issuance of the existing order, a change has 2450
occurred in the circumstances of the child, the child's 2451
residential parent, or either parent subject to the order: 2452

(1) If the court determines that the requested changes to 2453
the agreement are not detrimental to the child under section 2454
3109.0411 of the Revised Code, issue a modified shared parenting 2455
order that incorporates the modified agreement; 2456

(2) If the court determines that the requested changes to 2457
the agreement are detrimental to the child under section 2458
3109.0411 of the Revised Code and the existing plan is not 2459
detrimental to the child, dismiss the motion to modify the 2460
shared parenting order; 2461

(3) If the court determines that the requested changes to 2462
the agreement are detrimental to the child under section 2463
3109.0411 of the Revised Code and the existing plan is 2464
detrimental to the child, terminate the existing shared 2465
parenting order. 2466

Sec. 3109.0440. A court may terminate a shared parenting 2467
order on the motion of one or both parents if the court 2468
determines either of the following: 2469

(A) The shared parenting agreement incorporated into the 2470
order is detrimental to the child based on the factors under 2471
section 3109.0411 of the Revised Code. 2472

(B) One parent demonstrates a pattern of willfully 2473
creating conflict in an attempt to disrupt a current or pending 2474

shared parenting arrangement and the court determines both of 2475
the following by clear and convincing evidence: 2476

(1) It is unable to enter a shared parenting order that 2477
will reduce areas of conflict caused by the disruptive parent. 2478

(2) The disruptive behavior is a material change of 2479
circumstances. 2480

Sec. 3109.0441. (A) On termination of a shared parenting 2481
order under section 3109.0439 or division (A) of section 2482
3109.0440 of the Revised Code, the court shall issue a parental 2483
rights and responsibilities order for the care of the child 2484
pursuant to sections 3109.0420 to 3109.0426 of the Revised Code 2485
as if no shared parenting order had been issued. 2486

(B) On termination of the shared parenting order under 2487
division (B) of section 3109.0440 of the Revised Code, the court 2488
shall issue a parental rights and responsibilities order that 2489
designates the nondisruptive parent as the residential parent 2490
and legal custodian of the child in accordance with sections 2491
3109.0421, 3109.0422, 3109.0424, and 3109.0425 of the Revised 2492
Code. 2493

Sec. 3109.0442. (A) If one parent under a parental rights 2494
and responsibilities order files a motion requesting 2495
modification of the order, or if both parents file separate 2496
motions requesting modifications of the order, the court may 2497
make modifications to the order if it determines both of the 2498
following: 2499

(1) The order is detrimental to the child based on the 2500
factors under sections 3109.0421 and 3109.0422 of the Revised 2501
Code. 2502

(2) That, based on facts that have arisen since the prior 2503

order that were unknown to the court at the time of the prior 2504
order, a change has occurred in the circumstances of the child, 2505
the child's residential parent, or either parent subject to the 2506
order. 2507

(B) The court shall approve only modifications that are 2508
consistent with the requirements of sections 3109.044, 2509
3109.0424, and 3109.0425 of the Revised Code. 2510

Sec. 3109.0443. Both parents under a parental rights and 2511
responsibilities order may jointly file a motion requesting the 2512
court to modify the order as a shared parenting order. The 2513
motion shall include a shared parenting agreement that meets the 2514
requirements of section 3109.046 of the Revised Code. The court 2515
shall comply with the requirements of sections 3109.0410 to 2516
3109.0413 of the Revised Code in making a determination on the 2517
motion and may issue a shared parenting order. 2518

Sec. 3109.0445. If an appeal is taken from a decision of a 2519
court that grants or modifies a decree or order allocating 2520
parental rights and responsibilities for the care of children, 2521
the court of appeals shall give the case calendar priority and 2522
handle it expeditiously. 2523

Sec. 3109.0450. As used in sections 3109.0450 to 2524
3109.0469: 2525

(A) "Abused child" has the same meaning as in section 2526
2151.031 of the Revised Code, and "neglected child" has the same 2527
meaning as in section 2151.03 of the Revised Code. 2528

(B) "Confidential law enforcement investigatory record" 2529
has the same meaning as in section 149.43 of the Revised Code. 2530

(C) "Record" means any record, document, file, or other 2531
material that contains information directly related to a child, 2532

<u>including, but not limited to, any of the following:</u>	2533
<u>(1) Records maintained by public and nonpublic schools;</u>	2534
<u>(2) Records maintained by facilities that provide child</u>	2535
<u>care, as defined in section 5104.01 of the Revised Code,</u>	2536
<u>publicly funded child care, as defined in section 5104.01 of the</u>	2537
<u>Revised Code, or pre-school services operated by or under the</u>	2538
<u>supervision of a school district board of education or a</u>	2539
<u>nonpublic school;</u>	2540
<u>(3) Records maintained by hospitals, other facilities, or</u>	2541
<u>persons providing medical or surgical care or treatment for the</u>	2542
<u>child;</u>	2543
<u>(4) Records maintained by agencies, departments,</u>	2544
<u>instrumentalities, or other entities of the state or any</u>	2545
<u>political subdivision of the state, other than a child support</u>	2546
<u>enforcement agency. Access to records maintained by a child</u>	2547
<u>support enforcement agency is governed by section 3125.16 of the</u>	2548
<u>Revised Code.</u>	2549
<u>Sec. 3109.0451. If a divorce, dissolution, legal</u>	2550
<u>separation, or annulment proceeding involves a child and if the</u>	2551
<u>court has not issued a shared parenting or parental rights and</u>	2552
<u>responsibilities order where both parents are the residential</u>	2553
<u>parent and legal custodian of the child, the court shall make a</u>	2554
<u>just and reasonable order permitting each parent who is not the</u>	2555
<u>residential parent to have parenting time with the child at the</u>	2556
<u>time and under the conditions that the court directs, unless the</u>	2557
<u>court finds by clear and convincing evidence that it would be</u>	2558
<u>detrimental to the child to permit that parent to have parenting</u>	2559
<u>time with the child, based on the factors provided in section</u>	2560
<u>3109.0453 of the Revised Code, and includes in the journal its</u>	2561

findings of fact and conclusions of law supporting the 2562
determination. Whenever possible, the order permitting the 2563
parenting time shall ensure the opportunity for both parents to 2564
have frequent and continuing contact with the child, unless 2565
frequent and continuing contact by either parent with the child 2566
would not be in the best interest of the child. The court shall 2567
include in its final order a specific schedule of parenting time 2568
for that parent. Except as provided in division (E) (6) of 2569
section 3113.31 of the Revised Code, if the court, pursuant to 2570
this section, grants parenting time to a parent or companionship 2571
or visitation rights to any other person with respect to any 2572
child, it shall not require the public children services agency 2573
to provide supervision of or other services related to that 2574
parent's exercise of parenting time or that person's exercise of 2575
companionship or visitation rights with respect to the child. 2576
This section does not limit the power of a juvenile court 2577
pursuant to Chapter 2151. of the Revised Code to issue orders 2578
with respect to children who are alleged to be abused, 2579
neglected, or dependent children or to make dispositions of 2580
children who are adjudicated abused, neglected, or dependent 2581
children or of a common pleas court to issue orders pursuant to 2582
section 3113.31 of the Revised Code. 2583

Sec. 3109.0452. (A) In a divorce, dissolution of marriage, 2584
legal separation, annulment, or child support proceeding that 2585
involves a child, the court may grant reasonable companionship 2586
or visitation rights to any grandparent, any person related to 2587
the child by consanguinity or affinity, or any other person 2588
other than a parent, if all of the following apply: 2589

(1) The grandparent, relative, or other person files a 2590
motion with the court seeking companionship or visitation 2591
rights. 2592

(2) The court determines that the grandparent, relative, 2593
or other person has an interest in the welfare of the child. 2594

(3) The court determines that the granting of the 2595
companionship or visitation rights would not be detrimental to 2596
the child, based on the factors in section 3109.0453 of the 2597
Revised Code. 2598

(B) A motion may be filed under division (A) (1) of this 2599
section during the pendency of the divorce, dissolution of 2600
marriage, legal separation, annulment, or child support 2601
proceeding or, if a motion was not filed at that time or was 2602
filed at that time and the circumstances in the case have 2603
changed, at any time after a decree or final order is issued in 2604
the case. 2605

Sec. 3109.0453. In determining whether to grant parenting 2606
time to a parent pursuant to section 3109.0451 or 3109.12 of the 2607
Revised Code or companionship or visitation rights to a 2608
grandparent, relative, or other person pursuant to section 2609
3109.0452, 3109.11 or 3109.12 of the Revised Code, in 2610
establishing a specific parenting time or visitation schedule, 2611
and in determining other parenting time matters under section 2612
3109.0451 or 3109.12 of the Revised Code or visitation matters 2613
under section 3109.0452, 3109.11, or 3109.12 of the Revised 2614
Code, the court shall consider all of the following factors: 2615

(A) The prior interaction and interrelationships of the 2616
child with the child's parents, siblings, and other persons 2617
related by consanguinity or affinity, and with the person who 2618
requested companionship or visitation if that person is not a 2619
parent, sibling, or relative of the child; 2620

(B) The geographical location of the residence of each 2621

parent and the distance between those residences, and if the 2622
person is not a parent, the geographical location of that 2623
person's residence and the distance between that person's 2624
residence and the child's residence; 2625

(C) The child's and parents' available time, including, 2626
but not limited to, each parent's employment schedule, the 2627
child's school schedule, and the child's and the parents' 2628
holiday and vacation schedule; 2629

(D) The age of the child; 2630

(E) The child's adjustment to home, school, and community; 2631

(F) If the court has interviewed the child in chambers, 2632
pursuant to section 3109.0455 of the Revised Code, regarding the 2633
wishes and concerns of the child as to parenting time by the 2634
parent who is not the residential parent or companionship or 2635
visitation by the grandparent, relative, or other person who 2636
requested companionship or visitation, as to a specific 2637
parenting time or visitation schedule, or as to other parenting 2638
time or visitation matters, the wishes and concerns of the 2639
child, as expressed to the court; 2640

(G) The health and safety of the child; 2641

(H) The amount of time that will be available for the 2642
child to spend with siblings; 2643

(I) The mental and physical health of all parties; 2644

(J) Each parent's willingness to reschedule missed 2645
parenting time and to facilitate the other parent's parenting 2646
time rights, and with respect to a person who requested 2647
companionship or visitation, the willingness of that person to 2648
reschedule missed visitation; 2649

(K) In relation to parenting time, whether either parent 2650
previously has been convicted of or pleaded guilty to any 2651
criminal offense involving any act that resulted in a child 2652
being an abused child or a neglected child; whether either 2653
parent, in a case in which a child has been adjudicated an 2654
abused child or a neglected child, previously has been 2655
determined to be the perpetrator of the abusive or neglectful 2656
act that is the basis of the adjudication; and whether there is 2657
reason to believe that either parent has acted in a manner 2658
resulting in a child being an abused child or a neglected child; 2659

(L) In relation to requested companionship or visitation 2660
by a person other than a parent, whether the person previously 2661
has been convicted of or pleaded guilty to any criminal offense 2662
involving any act that resulted in a child being an abused child 2663
or a neglected child; whether the person, in a case in which a 2664
child has been adjudicated an abused child or a neglected child, 2665
previously has been determined to be the perpetrator of the 2666
abusive or neglectful act that is the basis of the adjudication; 2667
whether either parent previously has been convicted of or 2668
pleaded guilty to a violation of section 2919.25 of the Revised 2669
Code involving a victim who at the time of the commission of the 2670
offense was a member of the family or household that is the 2671
subject of the current proceeding; whether either parent 2672
previously has been convicted of an offense involving a victim 2673
who at the time of the commission of the offense was a member of 2674
the family or household that is the subject of the current 2675
proceeding and caused physical harm to the victim in the 2676
commission of the offense; and whether there is reason to 2677
believe that the person has acted in a manner resulting in a 2678
child being an abused child or a neglected child; 2679

(M) Whether the residential parent or one of the parents 2680

subject to a shared parenting or parental rights and 2681
responsibilities order has continuously and willfully denied the 2682
other parent's right to parenting time in accordance with an 2683
order of the court; 2684

(N) Whether either parent has established a residence or 2685
is planning to establish a residence outside this state; 2686

(O) In relation to requested companionship or visitation 2687
by a person other than a parent, the wishes and concerns of the 2688
child's parents, as expressed by them to the court; 2689

(P) Any other factor in the best interest of the child. 2690

Sec. 3109.0454. When determining whether to grant 2691
parenting time rights to a parent pursuant to section 3109.0451 2692
or 3109.12 of the Revised Code or to grant companionship or 2693
visitation rights to a grandparent, relative, or other person 2694
pursuant to section 3109.0452, 3109.11, or 3109.12 of the 2695
Revised Code, when establishing a specific parenting time or 2696
visitation schedule, and when determining other parenting time 2697
matters under section 3109.0451 or 3109.12 of the Revised Code 2698
or visitation matters under section 3109.0452, 3109.11, or 2699
3109.12 of the Revised Code, the court shall consider any 2700
mediation report that is filed pursuant to section 3109.0469 of 2701
the Revised Code and shall consider all other relevant factors, 2702
including, but not limited to, all of the factors listed in 2703
section 3109.0453 of the Revised Code. 2704

Sec. 3109.0455. In considering the factors listed in 2705
section 3109.0453 of the Revised Code for purposes of 2706
determining whether to grant parenting time or visitation 2707
rights, establishing a specific parenting time or visitation 2708
schedule, determining other parenting time matters under section 2709

3109.0451 or section 3109.12 of the Revised Code or visitation 2710
matters under section 3109.0452, 3109.11, or 3109.12 of the 2711
Revised Code, and resolving any issues related to the making of 2712
any determination with respect to parenting time or visitation 2713
rights or the establishment of any specific parenting time or 2714
visitation schedule, the court, in its discretion, may interview 2715
in chambers any or all involved children regarding their wishes 2716
and concerns. If the court interviews any child concerning the 2717
child's wishes and concerns regarding those parenting time or 2718
visitation matters, the interview shall be conducted in 2719
chambers, and no person other than the child, the child's 2720
attorney, the judge, any necessary court personnel, and, in the 2721
judge's discretion, the attorney of each parent shall be 2722
permitted to be present in the chambers during the interview. No 2723
person shall obtain or attempt to obtain from a child a written 2724
or recorded statement or affidavit setting forth the wishes and 2725
concerns of the child regarding those parenting time or 2726
visitation matters. A court, in considering the factors listed 2727
in section 3109.0453 of the Revised Code for purposes of 2728
determining whether to grant any parenting time or visitation 2729
rights, establishing a parenting time or visitation schedule, 2730
determining other parenting time matters under section 3109.0451 2731
or 3109.12 of the Revised Code or visitation matters under 2732
section 3109.0452, 3109.11, or 3109.12 of the Revised Code, or 2733
resolving any issues related to the making of any determination 2734
with respect to parenting time or visitation rights or the 2735
establishment of any specific parenting time or visitation 2736
schedule, shall not accept or consider a written or recorded 2737
statement or affidavit that purports to set forth the child's 2738
wishes or concerns regarding those parenting time or visitation 2739
matters. 2740

Sec. 3109.0456. Any parent who requests parenting time 2741
rights with respect to a child under section 3109.0451 or 2742
3109.12 of the Revised Code or any person who requests 2743
reasonable companionship or visitation rights with respect to a 2744
child under section 3109.0452, 3109.11, or 3109.12 of the 2745
Revised Code, or any other provision of the Revised Code may 2746
file a motion with the court requesting that it waive all or any 2747
part of the costs that may accrue in the proceedings. If the 2748
court determines that the movant is indigent and that the waiver 2749
is in the best interest of the child, the court, in its 2750
discretion, may waive payment of all or any part of the costs of 2751
those proceedings. 2752

Sec. 3109.0457. The remarriage of a residential parent of 2753
a child does not affect the authority of a court under this 2754
section to grant parenting time rights with respect to the child 2755
to the parent who is not the residential parent or to grant 2756
reasonable companionship or visitation rights with respect to 2757
the child to any grandparent, any person related by 2758
consanguinity or affinity, or any other person. 2759

Sec. 3109.0461. (A) Subject to section 3125.16 and 2760
division (F) of section 3319.321 of the Revised Code, a parent 2761
of a child who is not the residential parent of the child is 2762
entitled to access, under the same terms and conditions under 2763
which access is provided to the residential parent, to any 2764
record that is related to the child and to which the residential 2765
parent of the child legally is provided access, unless the court 2766
determines that it would not be in the best interest of the 2767
child for the parent who is not the residential parent to have 2768
access to the records under those same terms and conditions. If 2769
the court determines that the parent of a child who is not the 2770
residential parent should not have access to records related to 2771

the child under the same terms and conditions as provided for 2772
the residential parent, the court shall specify the terms and 2773
conditions under which the parent who is not the residential 2774
parent is to have access to those records, shall enter its 2775
written findings of facts and opinion in the journal, and shall 2776
issue an order containing the terms and conditions to both the 2777
residential parent and the parent of the child who is not the 2778
residential parent. The court shall include in every order 2779
issued pursuant to this division notice that any keeper of a 2780
record who knowingly fails to comply with the order or this 2781
section is in contempt of court. 2782

(B) Subject to section 3125.16 and division (F) of section 2783
3319.321 of the Revised Code, subsequent to the issuance of an 2784
order under division (A) of this section, the keeper of any 2785
record that is related to a particular child and to which the 2786
residential parent legally is provided access shall permit the 2787
parent of the child who is not the residential parent to have 2788
access to the record under the same terms and conditions under 2789
which access is provided to the residential parent, unless the 2790
residential parent has presented the keeper of the record with a 2791
copy of an order issued under division (A) of this section that 2792
limits the terms and conditions under which the parent who is 2793
not the residential parent is to have access to records 2794
pertaining to the child and the order pertains to the record in 2795
question. If the residential parent presents the keeper of the 2796
record with a copy of that type of order, the keeper of the 2797
record shall permit the parent who is not the residential parent 2798
to have access to the record only in accordance with the most 2799
recent order that has been issued pursuant to division (A) of 2800
this section and presented to the keeper by the residential 2801
parent or the parent who is not the residential parent. Any 2802

keeper of any record who knowingly fails to comply with this 2803
section or with any order issued pursuant to this section is in 2804
contempt of court. 2805

(C) The prosecuting attorney of any county may file a 2806
complaint with the court of common pleas of that county 2807
requesting the court to issue a protective order preventing the 2808
disclosure pursuant to division (A) or (B) of this section of 2809
any confidential law enforcement investigatory record. The court 2810
shall schedule a hearing on the motion and give notice of the 2811
date, time, and location of the hearing to all parties. 2812

Sec. 3109.0462. A court that issues a parenting time order 2813
pursuant to section 3109.0451 or 3109.12 of the Revised Code 2814
shall determine whether the parent granted parenting time is to 2815
be permitted access, in accordance with section 5104.039 of the 2816
Revised Code, to any child day-care center that is, or that in 2817
the future may be, attended by the children with whom parenting 2818
time is granted. Unless the court determines that the parent who 2819
is not the residential parent should not have access to the 2820
center to the same extent that the residential parent is granted 2821
access to the center, the parent who is not the residential 2822
parent and who is granted parenting time rights is entitled to 2823
access to the center to the same extent that the residential 2824
parent is granted access to the center. If the court determines 2825
that the parent who is not the residential parent should not 2826
have access to the center to the same extent that the 2827
residential parent is granted such access under section 5104.039 2828
of the Revised Code, the court shall specify the terms and 2829
conditions under which the parent who is not the residential 2830
parent is to have access to the center, provided that the access 2831
shall not be greater than the access that is provided to the 2832
residential parent under section 5104.039 of the Revised Code, 2833

the court shall enter its written findings of fact and opinions 2834
in the journal, and the court shall include the terms and 2835
conditions of access in the parenting time order. 2836

Sec. 3109.0463. (A) Subject to division (F) of section 2837
3319.321 of the Revised Code, when a court issues an order 2838
allocating parental rights and responsibilities for the care of 2839
a child, the parent of the child who is not the residential 2840
parent of the child is entitled to access, under the same terms 2841
and conditions under which access is provided to the residential 2842
parent, to any student activity that is related to the child and 2843
to which the residential parent of the child legally is provided 2844
access, unless the court determines that it would not be in the 2845
best interest of the child to grant the parent who is not the 2846
residential parent access to the student activities under those 2847
same terms and conditions. If the court determines that the 2848
parent of the child who is not the residential parent should not 2849
have access to any student activity that is related to the child 2850
under the same terms and conditions as provided for the 2851
residential parent, the court shall specify the terms and 2852
conditions under which the parent who is not the residential 2853
parent is to have access to those student activities, shall 2854
enter its written findings of facts and opinion in the journal, 2855
and shall issue an order containing the terms and conditions to 2856
both the residential parent and the parent of the child who is 2857
not the residential parent. The court shall include in every 2858
order issued pursuant to this division notice that any school 2859
official or employee who knowingly fails to comply with the 2860
order or this section is in contempt of court. 2861

(B) Subject to division (F) of section 3319.321 of the 2862
Revised Code, subsequent to the issuance of an order under 2863
division (A) of this section, all school officials and employees 2864

shall permit the parent of the child who is not the residential 2865
parent to have access to any student activity under the same 2866
terms and conditions under which access is provided to the 2867
residential parent of the child, unless the residential parent 2868
has presented the school official or employee, the board of 2869
education of the school, or the governing body of the chartered 2870
nonpublic school with a copy of an order issued under division 2871
(A) of this section that limits the terms and conditions under 2872
which the parent who is not the residential parent is to have 2873
access to student activities related to the child and the order 2874
pertains to the student activity in question. If the residential 2875
parent presents the school official or employee, the board of 2876
education of the school, or the governing body of the chartered 2877
nonpublic school with a copy of that type of order, the school 2878
official or employee shall permit the parent who is not the 2879
residential parent to have access to the student activity only 2880
in accordance with the most recent order that has been issued 2881
pursuant to division (A) of this section and presented to the 2882
school official or employee, the board of education of the 2883
school, or the governing body of the chartered nonpublic school 2884
by the residential parent or the parent who is not the 2885
residential parent. Any school official or employee who 2886
knowingly fails to comply with this section or with any order 2887
issued pursuant to division (A) of this section is in contempt 2888
of court. 2889

Sec. 3109.0466. (A) If the court, pursuant to section 2890
3109.0451 of the Revised Code, denies parenting time to a parent 2891
who is not the residential parent or denies a motion for 2892
reasonable companionship or visitation rights filed under 2893
section 3109.0452 of the Revised Code, the court shall state in 2894
writing its findings of fact and conclusions of law in 2895

accordance with Civil Rule 52 and, if applicable, Civil Rule 53 2896
and issue a transition plan pursuant to section 3109.0467 of the 2897
Revised Code. 2898

(B) Each court of common pleas, by rule, shall adopt 2899
standard parenting time guidelines, subject to the policy stated 2900
in section 3109.044 of the Revised Code and the presumption in 2901
division (B) of section 3109.0420 of the Revised Code. A court 2902
has discretion to deviate from its standard parenting time 2903
guidelines based upon factors set forth in section 3109.0453 of 2904
the Revised Code. 2905

Sec. 3109.0467. (A) Subject to division (B) of this 2906
section, if the court denies parenting time to a parent who is 2907
not the residential parent and legal custodian of the child 2908
pursuant to section 3109.0451 of the Revised Code, the court 2909
shall establish a transition plan, to be issued at the same time 2910
as the denial of parenting time, to encourage, facilitate, and 2911
establish or re-establish the relationship between that parent 2912
and the child, provided that the parent has demonstrated a 2913
desire and ability to establish or re-establish a relationship 2914
with the child. 2915

(B) The court shall not issue a transition plan if either 2916
of the following apply regarding the parent who was denied 2917
parenting time: 2918

(1) The parent has a history of any of the actions 2919
described in division (K) of section 3109.0453 of the Revised 2920
Code; 2921

(2) The court, after considering division (B) of section 2922
3109.0453 of the Revised Code, determines that the parent lives 2923
too far away geographically from the child and is not willing to 2924

relocate closer in order to establish or re-establish a 2925
relationship with the child and that parent. 2926

(C) (1) A transition plan issued under this section shall 2927
allow the parent to complete the plan not later than twelve 2928
months after the date of the denial of parenting time and the 2929
issuance of the transition plan, except that a joint motion 2930
requesting the court to modify the parental rights and 2931
responsibilities order as a shared parenting order under 2932
division (D) (1) of this division shall suspend the twelve-month 2933
period for the length of time from the filing of the motion to 2934
the issuance of a decision on the motion. 2935

(2) Satisfactory completion of a transition plan shall be 2936
considered a change in circumstances for the modification of a 2937
parental rights and responsibilities order under section 2938
3109.0442 of the Revised Code. 2939

(D) (1) On or before satisfactory completion of the 2940
transition plan, either of the following may apply: 2941

(a) Both parents may jointly file a motion requesting the 2942
court to modify the parental rights and responsibilities order 2943
as a shared parenting order pursuant section 3109.0443 of the 2944
Revised Code; 2945

(b) One parent may file a motion, or both parents may file 2946
separate motions, requesting modifications of the parental 2947
rights and responsibilities order pursuant to section 3109.0442 2948
of the Revised Code. 2949

(2) If a motion is not filed under division (D) (1) of this 2950
section, the court, on its own motion and upon the parent's 2951
satisfactory completion of the transition plan, shall modify the 2952
parental rights and responsibilities order to provide for equal 2953

decision-making rights and responsibilities and equal parenting 2954
time. 2955

Sec. 3109.0468. The juvenile court has exclusive 2956
jurisdiction to enter the orders in any case certified to it 2957
from another court. 2958

Sec. ~~3109.052~~ 3109.0469. (A) If a proceeding for divorce, 2959
dissolution, legal separation, annulment, or the allocation of 2960
parental rights and responsibilities for the care of a child 2961
involves one or more children, if the parents of the children do 2962
not agree upon an appropriate allocation of parental rights and 2963
responsibilities for the care of their children or do not agree 2964
upon a specific schedule of parenting time for their children, 2965
the court may order the parents to mediate their differences on 2966
those matters in accordance with mediation procedures adopted by 2967
the court by local rule. When the court determines whether 2968
mediation is appropriate in any proceeding, it shall consider 2969
whether either parent previously has been convicted of or 2970
pleaded guilty to a violation of section 2919.25 of the Revised 2971
Code involving a victim who at the time of the commission of the 2972
offense was a member of the family or household that is the 2973
subject of the proceeding, whether either parent previously has 2974
been convicted of or pleaded guilty to an offense involving a 2975
victim who at the time of the commission of the offense was a 2976
member of the family or household that is the subject of the 2977
proceeding and caused physical harm to the victim in the 2978
commission of the offense, and whether either parent has been 2979
determined to be the perpetrator of the abusive act that is the 2980
basis of an adjudication that a child is an abused child. If 2981
either parent has been convicted of or pleaded guilty to a 2982
violation of section 2919.25 of the Revised Code involving a 2983
victim who at the time of the commission of the offense was a 2984

member of the family or household that is the subject of the 2985
proceeding, has been convicted of or pleaded guilty to any other 2986
offense involving a victim who at the time of the commission of 2987
the offense was a member of the family or household that is the 2988
subject of the proceeding and caused physical harm to the victim 2989
in the commission of the offense, or has been determined to be 2990
the perpetrator of the abusive act that is the basis of an 2991
adjudication that a child is an abused child, the court may 2992
order mediation only if the court determines that it is in the 2993
best interests of the parties to order mediation and makes 2994
specific written findings of fact to support its determination. 2995

If a court issues an order pursuant to this division 2996
requiring mediation, it also may order the parents to file a 2997
mediation report within a specified period of time and order the 2998
parents to pay the cost of mediation, unless either or both of 2999
the parents file a motion requesting that the court waive that 3000
requirement. Upon the filing of a motion requesting the waiver 3001
of that requirement, the court, for good cause shown, may waive 3002
the requirement that either or both parents pay the cost of 3003
mediation or may require one of the parents to pay the entire 3004
cost of mediation. Any mediation procedures adopted by local 3005
court rule for use under this division shall include, but are 3006
not limited to, provisions establishing qualifications for 3007
mediators who may be employed or used and provisions 3008
establishing standards for the conduct of the mediation. 3009

(B) If a mediation order is issued under division (A) of 3010
this section and the order requires the parents to file a 3011
mediation report, the mediator and each parent who takes part in 3012
mediation in accordance with the order jointly shall file a 3013
report of the results of the mediation process with the court 3014
that issued the order under that division. A mediation report 3015

shall indicate only whether agreement has been reached on any of 3016
the issues that were the subject of the mediation, and, if 3017
agreement has been reached, the content and details of the 3018
agreement. No mediation report shall contain any background 3019
information concerning the mediation process or any information 3020
discussed or presented in the process. The court shall consider 3021
the mediation report when it allocates parental rights and 3022
responsibilities for the care of children under ~~section 3109.04~~ 3023
sections 3109.04 to 3109.0445, 3109.0482, and 3109.0483 of the 3024
Revised Code and when it establishes a specific schedule of 3025
parenting time under section ~~3109.051~~3109.0451 of the Revised 3026
Code. The court is not bound by the mediation report and shall 3027
consider the best interest of the children when making that 3028
allocation or establishing the parenting time schedule. 3029

(C) If a mediation order is issued under division (A) of 3030
this section, the mediator shall not be made a party to, and 3031
shall not be called as a witness or testify in, any action or 3032
proceeding, other than a criminal, delinquency, child abuse, 3033
child neglect, or dependent child action or proceeding, that is 3034
brought by or against either parent and that pertains to the 3035
mediation process, to any information discussed or presented in 3036
the mediation process, to the allocation of parental rights and 3037
responsibilities for the care of the parents' children, or to 3038
the awarding of parenting time rights in relation to their 3039
children. The mediator shall not be made a party to, or be 3040
called as a witness or testify in, such an action or proceeding 3041
even if both parents give their prior consent to the mediator 3042
being made a party to or being called as a witness or to testify 3043
in the action or proceeding. 3044

(D) Division (A) of this section does not apply to either 3045
of the following: 3046

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

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

Sec. 3109.0470. A relocation of a parent's or child's residence occurs when there is a change of address.

Sec. 3109.0471. Except as provided in section 3109.0474 of the Revised Code:

(A) A relocating parent shall file a notice of intent to relocate with the clerk of the court where the shared parenting order or parental rights and responsibilities order was issued.

(B) The clerk shall send a copy of the notice to the last known address of the nonrelocating parent.

Sec. 3109.0472. A notice of intent to relocate under section 3109.0471 of the Revised Code shall be filed not later than sixty days prior to the date of the intended relocation or not later than ten days after the relocating parent knew of the intended relocation if the relocating parent cannot satisfy the sixty-day requirement, absent exigent circumstances.

Sec. 3109.0473. A notice of intent to relocate shall contain all of the following:

<u>(A) Updated residential address;</u>	3075
<u>(B) Updated mailing address;</u>	3076
<u>(C) Updated telephone number;</u>	3077
<u>(D) Updated electronic mail address;</u>	3078
<u>(E) Date of relocation;</u>	3079
<u>(F) Notice to the nonrelocating parent that any objection</u>	3080
<u>to the relocation must be filed not later than thirty days after</u>	3081
<u>receipt of the notice of intent to relocate.</u>	3082
<u>Sec. 3109.0474.</u> <u>If the court has not already made a prior</u>	3083
<u>finding, or upon the filing of a motion by the relocating parent</u>	3084
<u>and a finding by the court that the health, safety, and welfare</u>	3085
<u>or liberty of a person, including a child, would be put at risk</u>	3086
<u>by the relocating parent filing a notice of intent to relocate</u>	3087
<u>under section 3109.0471 of the Revised Code, the court may do</u>	3088
<u>any of the following:</u>	3089
<u>(A) Order that the intent to relocate not be disclosed;</u>	3090
<u>(B) Waive the notice requirement to the extent necessary</u>	3091
<u>to protect the confidentiality and the health, safety, and</u>	3092
<u>welfare of the child or parent;</u>	3093
<u>(C) Consider any other remedy deemed necessary to</u>	3094
<u>facilitate the legitimate needs of the parents and protect the</u>	3095
<u>best interest of the child;</u>	3096
<u>(D) If appropriate, conduct an ex parte hearing. If the</u>	3097
<u>court issues an ex parte order, the court shall schedule a full</u>	3098
<u>hearing and give the parents notice of the date, time, and</u>	3099
<u>location of the hearing.</u>	3100
<u>Sec. 3109.0475.</u> <u>If a parent fails, without good cause, to</u>	3101

file a notice of intent to relocate pursuant to section 3102
3109.0471 of the Revised Code, the court may consider the 3103
failure as follows: 3104

(A) As a factor in making its determination regarding the 3105
relocation; 3106

(B) As a factor in determining a modification of a shared 3107
parenting agreement that has been incorporated into a shared 3108
parenting order or a parental rights and responsibilities order, 3109
and the court shall not consider that the child has been 3110
integrated into the new surroundings; 3111

(C) As a basis for ordering the return of the child if the 3112
relocation has taken place without notice; 3113

(D) As a basis for awarding attorney fees and expenses; 3114

(E) As a factor in a finding of contempt. 3115

Sec. 3109.0476. A nonrelocating parent may file a motion 3116
objecting to the relocation and seek an order restricting the 3117
relocation when the relocation would render any portion of a 3118
shared parenting order or a parental rights and responsibilities 3119
order impracticable or detrimental to the child. 3120

Sec. 3109.0477. A motion under section 3109.0476 of the 3121
Revised Code shall be filed not later than thirty days after the 3122
receipt of the notice of intent to relocate, or the objection 3123
shall be waived. 3124

Sec. 3109.0478. If a motion objecting to a relocation is 3125
filed, the court shall conduct a hearing. All matters relating 3126
to the relocation objection proceedings shall be given priority 3127
scheduling. 3128

Sec. 3109.0479. In reaching a decision on a proposed 3129

temporary or permanent relocation, the court shall determine 3130
whether the relocation is detrimental to the child based on the 3131
factors in section 3109.0411, 3109.0421, 3109.0422, or 3109.0453 3132
of the Revised Code, whichever is applicable, and consider all 3133
of the following factors to foster a continuing meaningful 3134
relationship between the child and the nonrelocating parent: 3135

(A) The reason presented for seeking or opposing the 3136
relocation; 3137

(B) The realistic ability to preserve the relationship 3138
between the child and the nonrelocating parent through any 3139
proposed new arrangements that consider the logistics and costs 3140
of contact, access, and parenting time; 3141

(C) The effect the relocation will have on the child's 3142
relationship with extended family; 3143

(D) The enhancement of the quality of life for the child 3144
and the relocating parent that the relocation may afford; 3145

(E) Whether a presumption has previously been rebutted 3146
under section 3109.0411, 3109.0421, 3109.0422, or 3109.0453 of 3147
the Revised Code, whichever is applicable; 3148

(F) The child's stability; 3149

(G) Any other factor the court determines relevant. 3150

Sec. ~~3109.053~~ 3109.0480. In any divorce, legal separation, 3151
or annulment proceeding and in any proceeding pertaining to the 3152
allocation of parental rights and responsibilities for the care 3153
of a child, the court may require, by rule or otherwise, that 3154
the parents attend classes on parenting or other related issues 3155
or obtain counseling before the court issues an order allocating 3156
the parental rights and responsibilities for the care of the 3157

minor children of the marriage. If a court in any proceeding 3158
requires parents to attend classes on parenting or other related 3159
issues or to obtain counseling, the court may require that the 3160
parents' children attend the classes or counseling with the 3161
parents. If the court orders the parents to attend classes or 3162
obtain counseling, the court shall impose the cost of the 3163
classes and counseling on, and may allocate the costs between, 3164
the parents, except that if the court determines that both 3165
parents are indigent, the court shall not impose the cost of the 3166
classes or counseling on the parents. 3167

Sec. 3109.0481. (A) Subject to division (B) of this 3168
section, in any divorce, legal separation, or annulment 3169
proceeding and in any proceeding pertaining to the allocation of 3170
parental rights and responsibilities for the care of the child, 3171
if the court determines, based on an investigation or other 3172
evidence presented to it, that a person intentionally made a 3173
false accusation of child abuse or neglect against a parent, the 3174
court may impose a reasonable monetary sanction against the 3175
person making the accusation. The sanction shall not exceed the 3176
total of all costs directly incurred by the parent as a result 3177
of defending the accusation and reasonable attorney's fees 3178
incurred in recovering the sanction against the person making 3179
the accusation. 3180

(B) If the person who made the accusation is a parent and 3181
the court determines that a sanction under division (A) of this 3182
section would directly and negatively impact the child's well- 3183
being, the court shall order that person to perform an 3184
appropriate amount of community service hours, to be scheduled 3185
when that person is not exercising parenting time with the 3186
child. 3187

(C) If, in any divorce, legal separation, or annulment proceeding and in any proceeding pertaining to the allocation of parental rights and responsibilities for the care of a child, a person intentionally makes an accusation of child abuse or neglect against a parent that the court has determined to be false and the accusation results in the accused parent being denied parenting time, the court shall order reasonable makeup parenting time for that parent. 3188
3189
3190
3191
3192
3193
3194
3195

(D) As used in this section, "person" means a party, a party's attorney, or a witness. 3196
3197

Sec. 3109.0482. As used in sections 3109.0482 to 3109.0484 of the Revised Code: 3198
3199

(A) "Active military service" means service by a member of the uniformed services in compliance with military orders to report for combat operations, contingency operations, peacekeeping operations, a remote tour of duty, or other active service for which the member is required to report unaccompanied by any family member, including any period of illness, recovery from injury, leave, or other lawful absence during that operation, duty, or service. 3200
3201
3202
3203
3204
3205
3206
3207

(B) "Uniformed services" means the United States armed forces, the army national guard, and the air national guard or any reserve component thereof, or the commissioned corps of the United States public health service. 3208
3209
3210
3211

Sec. 3109.0483. (A) Upon receipt of an order for active military service in the uniformed services, a parent who is subject to an order allocating parental rights and responsibilities or in relation to whom an action to allocate parental rights and responsibilities is pending and who is 3212
3213
3214
3215
3216

ordered for active military service shall notify the other 3217
parent who is subject to the order or in relation to whom the 3218
case is pending of the order for active military service within 3219
three days of receiving the military service order. 3220

(B) On receipt of the notice described in division (A) of 3221
this section, either parent may apply to the court for a hearing 3222
to expedite an allocation or modification proceeding so that the 3223
court can issue an order before the parent's active military 3224
service begins. The application shall include the date on which 3225
the active military service begins. 3226

The court shall schedule a hearing upon receipt of the 3227
application and hold the hearing not later than thirty days 3228
after receipt of the application, except that the court shall 3229
give the case calendar priority and handle the case 3230
expeditiously if exigent circumstances exist in the case. 3231

The court shall not modify a prior decree or order 3232
allocating parental rights and responsibilities unless the court 3233
determines that there has been a change in circumstances of the 3234
child, the child's residential parent, or either of the parents 3235
subject to a shared parenting decree or order, and that 3236
modification is necessary to serve the best interest of the 3237
child. The court shall not find past, present, or possible 3238
future active military service in the uniformed services to 3239
constitute a change in circumstances justifying modification of 3240
a prior decree or order pursuant to section 3109.0439, 3241
3109.0442, or 3109.0443 of the Revised Code. The court shall 3242
make specific written findings of fact to support any 3243
modification under this division. 3244

(C) Nothing in this section prevents a court from issuing 3245
a temporary order allocating or modifying parental rights and 3246

responsibilities for the duration of the parent's active 3247
military service. A temporary order shall specify whether the 3248
parent's active military service is the basis of the order and 3249
shall provide for termination of the temporary order and 3250
resumption of the prior order within ten days after receipt of 3251
notice pursuant to division (E) of this section, unless the 3252
other parent demonstrates by clear and convincing evidence that 3253
the prior order would be detrimental to the child based on the 3254
factors in section 3109.0411 of the Revised Code. 3255

(D) At the request of a parent who is ordered for active 3256
military service in the uniformed services and who is a subject 3257
of a proceeding pertaining to a temporary order for the 3258
allocation or modification of parental rights and 3259
responsibilities, the court shall permit the parent to 3260
participate in the proceeding and present evidence by electronic 3261
means, including communication by telephone, video, or internet 3262
to the extent permitted by the rules of the supreme court of 3263
Ohio. 3264

(E) A parent who is ordered for active military service in 3265
the uniformed services and who is a subject of a proceeding 3266
pertaining to the allocation or modification of parental rights 3267
and responsibilities shall provide written notice to the court, 3268
child support enforcement agency, and the other parent of the 3269
date of termination of the parent's active military service not 3270
later than thirty days after the date on which the service ends. 3271

Sec. 3109.0484. (A) A parent who receives an order for 3272
active military service in the uniformed services and who is 3273
subject to a parenting time order may apply to the court for any 3274
of the following temporary orders for the period extending from 3275
the date of the parent's departure to the date of return: 3276

(1) An order delegating all or part of the parent's parenting time with the child to a relative or to another person who has a close and substantial relationship with the child if the delegation is in the child's best interest; 3277
3278
3279
3280

(2) An order that the other parent make the child reasonably available for parenting time with the parent when the parent is on leave from active military service; 3281
3282
3283

(3) An order that the other parent facilitate contact, including telephone and electronic contact, between the parent and child while the parent is on active military service. 3284
3285
3286

(B) (1) Upon receipt of an order for active military service, a parent who is subject to a parenting time order and seeks an order under division (A) of this section shall notify the other parent who is subject to the parenting time order and apply to the court as soon as reasonably possible after receipt of the order for active military service. The application shall include the date on which the active military service begins. 3287
3288
3289
3290
3291
3292
3293

(2) The court shall schedule a hearing upon receipt of an application under this section and hold the hearing not later than thirty days after its receipt, except that the court shall give the case calendar priority and handle the case expeditiously if exigent circumstances exist in the case. No hearing shall be required if both parents agree to the terms of the requested temporary order and the court determines that the order is in the child's best interest. 3294
3295
3296
3297
3298
3299
3300
3301

(3) In determining whether a delegation under division (A) (1) of this section is in the child's best interest, the court shall consider all relevant factors, including the factors set forth in this section. 3302
3303
3304
3305

(4) An order delegating all or part of the parent's parenting time pursuant to division (A) (1) of this section does not create standing on behalf of the person to whom parenting time is delegated to assert visitation or companionship rights independent of the order. 3306
3307
3308
3309
3310

(C) At the request of a parent who is ordered for active military service in the uniformed services and who is a subject of a proceeding pertaining to a parenting time order or pertaining to a request for companionship rights or visitation with a child, the court shall permit the parent to participate in the proceeding and present evidence by electronic means, including communication by telephone, video, or internet to the extent permitted by rules of the supreme court of Ohio. 3311
3312
3313
3314
3315
3316
3317
3318

Sec. 3109.0485. The following orders remain in effect but shall be enforced and modified in accordance with sections 3109.04 to 3109.0486 of the Revised Code as amended and enacted by this act: 3319
3320
3321
3322

(A) Orders allocating parental rights and responsibilities for the care of a child issued under section 3109.04 of the Revised Code as that section existed prior to the effective date of this act; 3323
3324
3325
3326

(B) Parenting time orders and orders for companionship or visitation issued under section 3109.051 of the Revised Code as that section existed prior to the effective date of this act. 3327
3328
3329

Sec. 3109.0486. (A) Each court that issues an order allocating parental rights and responsibilities of children in a divorce, dissolution of marriage, legal separation, child support proceeding, a proceeding under section 3109.12 of the Revised Code, or any other proceeding in which parents agreed to 3330
3331
3332
3333
3334

a judgment by the court with regard to time that a parent spends 3335
with a child, shall compile a report, to be completed annually, 3336
of data regarding the division of parenting time, as tracked by 3337
overnight stays with a parent. The report shall identify the 3338
type of case involving parenting time, such as a shared 3339
parenting order, parental rights and responsibilities allocation 3340
order, or parenting time order. The report shall also track the 3341
number of cases of agreed judgment entries that were contested 3342
and ordered by the court. The report shall not include any 3343
personally identifiable information. 3344

(B) Records provided in division (A) of this section shall 3345
be published on the court's web site or otherwise made publicly 3346
available, upon request. 3347

Sec. 3109.0491. On filing of a motion and supporting 3348
affidavit alleging interference with parenting time under a 3349
shared parenting order or parental rights and responsibilities 3350
order, a court shall hold a hearing not later than twenty-eight 3351
days after filing, unless for good cause shown the hearing shall 3352
be conducted earlier. 3353

Sec. 3109.0492. Any time prior to ruling upon a motion 3354
alleging interference with parenting time under a shared 3355
parenting order or parental rights and responsibilities order, 3356
the court may issue temporary orders necessary to protect the 3357
relationship between parent and child. 3358

Sec. 3109.0493. After a hearing under section 3109.0491 of 3359
the Revised Code, and upon a finding there has been unreasonable 3360
interference with parenting time under a shared parenting order 3361
or parental rights and responsibilities order, the court shall 3362
issue both of the following: 3363

(A) An award of compensatory parenting time, provided that 3364
compensatory parenting time is not detrimental to the child 3365
based on the factors in section 3109.0411, 3109.0421, 3109.0422, 3366
or 3109.0453 of the Revised Code, whichever is applicable; 3367

(B) An award of any reasonable attorney's fees and court 3368
costs arising in relation to the act of interference with 3369
parenting time. 3370

Sec. 3109.0494. After a hearing under section 3109.0491 of 3371
the Revised Code, and upon a finding there has been unreasonable 3372
interference with parenting time under a shared parenting order 3373
or parental rights and responsibilities order, the court may 3374
issue any of the following: 3375

(A) On the court's own motion or upon motion by one or 3376
both parents pursuant to section 3109.0439, 3109.0442, or 3377
3109.0443 of the Revised Code, a modified shared parenting order 3378
or parental rights and responsibilities order to prevent future 3379
interference with parenting time in the best interest of a 3380
child; 3381

(B) An order to require parents or the child to attend 3382
counseling, education, or coaching; 3383

(C) An order to post bond, either in cash or with 3384
sufficient sureties, conditioned upon compliance with the 3385
parenting time provisions in the shared parenting order or 3386
parental rights and responsibilities order; 3387

(D) An award of reasonable costs and fees for mediation, 3388
counseling, parent and child education, and supervised parenting 3389
time or exchange; 3390

(E) Any other remedy that the court considers appropriate. 3391

Sec. 3109.05. (A) (1) In a divorce, dissolution of 3392
marriage, legal separation, or child support proceeding, the 3393
court may order either or both parents to support or help 3394
support their children, without regard to marital misconduct. In 3395
determining the amount reasonable or necessary for child 3396
support, including the medical needs of the child, the court 3397
shall comply with Chapter 3119. of the Revised Code. 3398

(2) The court, in accordance with Chapter 3119. of the 3399
Revised Code, shall include in each support order made under 3400
this section the requirement that one or both of the parents 3401
provide for the health care needs of the child to the 3402
satisfaction of the court, and the court shall include in the 3403
support order a requirement that all support payments be made 3404
through the office of child support in the department of job and 3405
family services. 3406

(3) The court shall comply with Chapters 3119., 3121., 3407
3123., and 3125. of the Revised Code when it makes or modifies 3408
an order for child support under this section. 3409

(B) The juvenile court has exclusive jurisdiction to enter 3410
the orders in any case certified to it from another court. 3411

(C) If any person required to pay child support under an 3412
order made under division (A) of this section on or after April 3413
15, 1985, or modified on or after December 1, 1986, is found in 3414
contempt of court for failure to make support payments under the 3415
order, the court that makes the finding, in addition to any 3416
other penalty or remedy imposed, shall assess all court costs 3417
arising out of the contempt proceeding against the person and 3418
require the person to pay any reasonable attorney's fees of any 3419
adverse party, as determined by the court, that arose in 3420
relation to the act of contempt and, on or after July 1, 1992, 3421

shall assess interest on any unpaid amount of child support 3422
pursuant to section 3123.17 of the Revised Code. 3423

(D) The court shall not authorize or permit the escrowing, 3424
impoundment, or withholding of any child support payment ordered 3425
under this section or any other section of the Revised Code 3426
because of a denial of or interference with a right of parenting 3427
time granted to a parent in an order issued under this section 3428
or section ~~3109.051~~3109.0451 or 3109.12 of the Revised Code or 3429
companionship or visitation granted in an order issued under 3430
this section, section ~~3109.051~~3109.0452, 3109.11, 3109.12, or 3431
any other section of the Revised Code, or as a method of 3432
enforcing the specific provisions of any such order dealing with 3433
parenting time or visitation. 3434

Sec. 3109.06. Except as provided in division (K) of 3435
section 2301.03 of the Revised Code, any court, other than a 3436
juvenile court, that has jurisdiction in any case respecting the 3437
allocation of parental rights and responsibilities for the care 3438
of a child under eighteen years of age and the designation of 3439
the child's place of residence and legal custodian or in any 3440
case respecting the support of a child under eighteen years of 3441
age, may, on its own motion or on motion of any interested 3442
party, certify the record in the case or so much of the record 3443
and such further information, in narrative form or otherwise, as 3444
the court deems necessary or the juvenile court requests, to the 3445
juvenile court for further proceedings; upon the certification, 3446
the juvenile court shall have exclusive jurisdiction. 3447

In cases in which the court of common pleas finds the 3448
parents unsuitable to have the parental rights and 3449
responsibilities for the care of the child or children and 3450
unsuitable to provide the place of residence and to be the legal 3451

custodian of the child or children, consent of the juvenile 3452
court shall not be required to such certification. This section 3453
applies to actions pending on August 28, 1951. 3454

In any case in which a court of common pleas, or other 3455
court having jurisdiction, has issued an order that allocates 3456
parental rights and responsibilities for the care of minor 3457
children and designates their place of residence and legal 3458
custodian of minor children, has made an order for support of 3459
minor children, or has done both, the jurisdiction of the court 3460
shall not abate upon the death of the person awarded custody but 3461
shall continue for all purposes during the minority of the 3462
children. The court, upon its own motion or the motion of either 3463
parent or of any interested person acting on behalf of the 3464
children, may proceed to make further disposition of the case in 3465
the best interests of the children and subject to sections 3466
3109.42 to 3109.48 of the Revised Code. If the children are 3467
under eighteen years of age, it may certify them, pursuant to 3468
this section, to the juvenile court of any county for further 3469
proceedings. After certification to a juvenile court, the 3470
jurisdiction of the court of common pleas, or other court, shall 3471
cease, except as to any payments of spousal support due for the 3472
spouse and support payments due and unpaid for the children at 3473
the time of the certification. 3474

Any disposition made pursuant to this section, whether by 3475
a juvenile court after a case is certified to it, or by any 3476
court upon the death of a person awarded custody of a child, 3477
shall be made in accordance with sections 3109.04 to 3109.0445, 3478
3109.0482, 3109.0483, and 3109.42 to 3109.48 of the Revised 3479
Code. If an appeal is taken from a decision made pursuant to 3480
this section that allocates parental rights and responsibilities 3481
for the care of a minor child and designates the child's place 3482

of residence and legal custodian, the court of appeals shall 3483
give the case calendar priority and handle it expeditiously. 3484

Sec. 3109.061. Nothing in sections 2151.233 to 2151.236 3485
and 2301.03 of the Revised Code shall be construed to prevent a 3486
domestic relations court from certifying a case to a juvenile 3487
court under ~~division (D) (2) of section 3109.04 of the Revised~~ 3488
~~Code 3109.0435 or section 3109.06~~ of the Revised Code. Consent 3489
of the juvenile court shall not be required for the 3490
certification. 3491

As used in this section, "domestic relations court" has 3492
the same meaning as in section 2151.233 of the Revised Code. 3493

Sec. 3109.09. (A) As used in this section, "parent" means 3494
one of the following: 3495

(1) Both parents unless division (A) (2) or (3) of this 3496
section applies; 3497

(2) The parent designated the residential parent and legal 3498
custodian pursuant to an order issued under section ~~3109.04~~ 3499
3109.0412, 3109.0413, 3109.0424, 3109.0425, or 3109.0426 of the 3500
Revised Code ~~that is not a shared parenting order;~~ 3501

(3) The custodial parent of a child born out of wedlock 3502
with respect to whom no custody order has been issued. 3503

(B) Any owner of property, including any board of 3504
education of a city, local, exempted village, or joint 3505
vocational school district, may maintain a civil action to 3506
recover compensatory damages not exceeding ten thousand dollars 3507
and court costs from the parent of a minor if the minor 3508
willfully damages property belonging to the owner or commits 3509
acts cognizable as a "theft offense," as defined in section 3510
2913.01 of the Revised Code, involving the property of the 3511

owner. The action may be joined with an action under Chapter 3512
2737. of the Revised Code against the minor, or the minor and 3513
the minor's parent, to recover the property regardless of value, 3514
but any additional damages recovered from the parent pursuant to 3515
this section shall be limited to compensatory damages not 3516
exceeding ten thousand dollars, as authorized by this section. A 3517
finding of willful destruction of property or of committing acts 3518
cognizable as a theft offense is not dependent upon a prior 3519
finding that the child is a delinquent child or upon the child's 3520
conviction of any criminal offense. 3521

(C) (1) If a court renders a judgment in favor of a board 3522
of education of a city, local, exempted village, or joint 3523
vocational school district in an action brought pursuant to 3524
division (B) of this section, if the board of education agrees 3525
to the parent's performance of community service in lieu of full 3526
payment of the judgment, and if the parent who is responsible 3527
for the payment of the judgment agrees to voluntarily 3528
participate in the performance of community service in lieu of 3529
full payment of the judgment, the court may order the parent to 3530
perform community service in lieu of providing full payment of 3531
the judgment. 3532

(2) If a court, pursuant to division (C) (1) of this 3533
section, orders a parent to perform community service in lieu of 3534
providing full payment of a judgment, the court shall specify in 3535
its order the amount of the judgment, if any, to be paid by the 3536
parent, the type and number of hours of community service to be 3537
performed by the parent, and any other conditions necessary to 3538
carry out the order. 3539

(D) This section shall not apply to a parent of a minor if 3540
the minor was married at the time of the commission of the acts 3541

or violations that would otherwise give rise to a civil action 3542
commenced under this section. 3543

(E) Any action brought pursuant to this section shall be 3544
commenced and heard as in other civil actions. 3545

(F) The monetary limitation upon compensatory damages set 3546
forth in this section does not apply to a civil action brought 3547
pursuant to section 2307.70 of the Revised Code. 3548

Sec. 3109.11. If either the father or mother of an 3549
unmarried minor child is deceased, the court of common pleas of 3550
the county in which the minor child resides may grant the 3551
parents and other relatives of the deceased father or mother 3552
reasonable companionship or visitation rights with respect to 3553
the minor child during the child's minority if the parent or 3554
other relative files a complaint requesting reasonable 3555
companionship or visitation rights and if the court determines 3556
that the granting of the companionship or visitation rights is 3557
in the best interest of the minor child. In determining whether 3558
to grant any person reasonable companionship or visitation 3559
rights with respect to any child, the court shall consider all 3560
relevant factors, including, but not limited to, the factors set 3561
forth in ~~division (D) of section 3109.051-3109.0453~~ of the 3562
Revised Code. ~~Divisions (C), (K), and (L) of section 3109.051-~~ 3563
Sections 3109.0454, 3109.0455, and 3109.0456 of the Revised Code 3564
apply to the determination of reasonable companionship or 3565
visitation rights under this section and to any order granting 3566
any such rights that is issued under this section. 3567

The remarriage of the surviving parent of the child or the 3568
adoption of the child by the spouse of the surviving parent of 3569
the child does not affect the authority of the court under this 3570
section to grant reasonable companionship or visitation rights 3571

with respect to the child to a parent or other relative of the 3572
child's deceased father or mother. 3573

If the court denies a request for reasonable companionship 3574
or visitation rights made pursuant to this section and the 3575
complainant files a written request for findings of fact and 3576
conclusions of law, the court shall state in writing its 3577
findings of fact and conclusions of law in accordance with Civil 3578
Rule 52 and, if applicable, Civil Rule 53. 3579

Except as provided in division (E) (6) of section 3113.31 3580
of the Revised Code, if the court, pursuant to this section, 3581
grants any person companionship or visitation rights with 3582
respect to any child, it shall not require the public children 3583
services agency to provide supervision of or other services 3584
related to that person's exercise of companionship or visitation 3585
rights with respect to the child. This section does not limit 3586
the power of a juvenile court pursuant to Chapter 2151. of the 3587
Revised Code to issue orders with respect to children who are 3588
alleged to be abused, neglected, or dependent children or to 3589
make dispositions of children who are adjudicated abused, 3590
neglected, or dependent children or of a common pleas court to 3591
issue orders pursuant to section 3113.31 of the Revised Code. 3592

Sec. 3109.12. (A) If a child is born to an unmarried 3593
woman, the parents of the woman and any relative of the woman 3594
may file a complaint requesting the court of common pleas of the 3595
county in which the child resides to grant them reasonable 3596
companionship or visitation rights with the child. If a child is 3597
born to an unmarried woman and if the father of the child has 3598
acknowledged the child and that acknowledgment has become final 3599
pursuant to section 2151.232, 3111.25, or 3111.821 of the 3600
Revised Code or has been determined in an action under Chapter 3601

3111. of the Revised Code to be the father of the child, the 3602
father may file a complaint requesting that the court of 3603
appropriate jurisdiction of the county in which the child 3604
resides grant him ~~reasonable~~ parenting time rights with the 3605
child and the parents of the father and any relative of the 3606
father may file a complaint requesting that the court grant them 3607
reasonable companionship or visitation rights with the child. 3608

(B) The court may grant the parenting time rights or 3609
companionship or visitation rights requested under division (A) 3610
of this section, ~~if it determines that the granting of the~~ 3611
~~parenting time rights or companionship or visitation rights is~~ 3612
~~in the best interest of the child. accordingly:~~ 3613

(1) With regard to any order granting parenting time 3614
rights that is issued under this section, there is a presumption 3615
that equal parenting time is in the best interest of the child, 3616
subject to the factors set forth in section 3109.0453 and 3617
sections 3109.0454, 3109.0455, 3109.0456, and 3109.0457 of the 3618
Revised Code. 3619

(2) In determining whether to grant ~~reasonable parenting~~ 3620
time rights or reasonable companionship or visitation rights 3621
with respect to any child, the court shall consider all relevant 3622
factors, including, but not limited to, the factors set forth in 3623
~~division (D) of section 3109.051~~ 3109.0453 of the Revised Code. 3624
~~Divisions (C), (K), and (L) of section 3109.051~~ Sections 3625
3109.0454, 3109.0455, 3109.0456, and 3109.0457 of the Revised 3626
Code apply to the determination of ~~reasonable parenting time~~ 3627
~~rights or reasonable companionship or visitation rights~~ under 3628
this section and to any order granting any such rights that is 3629
issued under this section. 3630

(C) The marriage or remarriage of the mother or father of 3631

a child does not affect the authority of the court under this 3632
section to grant the natural father ~~reasonable~~ parenting time 3633
rights or the parents or relatives of the natural father or the 3634
parents or relatives of the mother of the child reasonable 3635
companionship or visitation rights with respect to the child. 3636

(D) If the court denies a request for ~~reasonable~~ parenting 3637
time rights or reasonable companionship or visitation rights 3638
made pursuant to division (A) of this section ~~and the~~ 3639
~~complainant files a written request for findings of fact and~~ 3640
~~conclusions of law~~, the court shall state in writing its 3641
findings of fact and conclusions of law in accordance with Civil 3642
Rule 52 and, if applicable, Civil Rule 53. 3643

(E) Except as provided in division (E) (6) of section 3644
3113.31 of the Revised Code, if the court, pursuant to this 3645
section, grants parenting time rights or companionship or 3646
visitation rights with respect to any child, it shall not 3647
require the public children services agency to provide 3648
supervision of or other services related to that parent's 3649
exercise of parenting time rights with the child or that 3650
person's exercise of companionship or visitation rights with the 3651
child. This section does not limit the power of a juvenile court 3652
pursuant to Chapter 2151. of the Revised Code to issue orders 3653
with respect to children who are alleged to be abused, 3654
neglected, or dependent children or to make dispositions of 3655
children who are adjudicated abused, neglected, or dependent 3656
children or of a common pleas court to issue orders pursuant to 3657
section 3113.31 of the Revised Code. 3658

Sec. 3109.41. As used in sections 3109.41 to 3109.48 of 3659
the Revised Code: 3660

(A) A person is "convicted of killing" if the person has 3661

been convicted of or pleaded guilty to a violation of section 3662
2903.01, 2903.02, or 2903.03 of the Revised Code. 3663

(B) "Custody order" means an order designating a person as 3664
the residential parent and legal custodian of a child under 3665
section ~~3109.04~~3109.0412, 3109.0413, 3109.0424, 3109.0425, or 3666
3109.0426 of the Revised Code or any order determining custody 3667
of a child under section 2151.23, 2151.33, 2151.353, 2151.354, 3668
2151.415, 2151.417, 2152.16, 2152.17, 2152.19, 2152.21, or 3669
3113.31 of the Revised Code. 3670

(C) "Visitation order" means an order issued under 3671
division (B) (1) (c) of section 2151.33 or under section 2151.412, 3672
~~3109.051~~3109.0451, 3109.12, or 3113.31 of the Revised Code. 3673

Sec. 3109.53. To create a power of attorney under section 3674
3109.52 of the Revised Code, a parent, guardian, or custodian 3675
shall use a form that is identical in form and content to the 3676
following: 3677

POWER OF ATTORNEY 3678

I, the undersigned, residing at _____, in the county 3679
of _____, state of _____, hereby appoint the child's 3680
grandparent, _____, residing at _____, in the county 3681
of _____, in the state of Ohio, with whom the child of 3682
whom I am the parent, guardian, or custodian is residing, my 3683
attorney in fact to exercise any and all of my rights and 3684
responsibilities regarding the care, physical custody, and 3685
control of the child, _____, born _____, having social 3686
security number (optional) _____, except my authority to 3687
consent to marriage or adoption of the child _____, and to 3688
perform all acts necessary in the execution of the rights and 3689
responsibilities hereby granted, as fully as I might do if 3690

personally present. The rights I am transferring under this 3691
power of attorney include the ability to enroll the child in 3692
school, to obtain from the school district educational and 3693
behavioral information about the child, to consent to all 3694
school-related matters regarding the child, and to consent to 3695
medical, psychological, or dental treatment for the child. This 3696
transfer does not affect my rights in any future proceedings 3697
concerning the custody of the child or the allocation of the 3698
parental rights and responsibilities for the care of the child 3699
and does not give the attorney in fact legal custody of the 3700
child. This transfer does not terminate my right to have regular 3701
contact with the child. 3702

I hereby certify that I am transferring the rights and 3703
responsibilities designated in this power of attorney because 3704
one of the following circumstances exists: 3705

(1) I am: (a) Seriously ill, incarcerated, or about to be 3706
incarcerated, (b) Temporarily unable to provide financial 3707
support or parental guidance to the child, (c) Temporarily 3708
unable to provide adequate care and supervision of the child 3709
because of my physical or mental condition, (d) Homeless or 3710
without a residence because the current residence is destroyed 3711
or otherwise uninhabitable, or (e) In or about to enter a 3712
residential treatment program for substance abuse; 3713

(2) I am a parent of the child, the child's other parent 3714
is deceased, and I have authority to execute the power of 3715
attorney; or 3716

(3) I have a well-founded belief that the power of 3717
attorney is in the child's best interest. 3718

I hereby certify that I am not transferring my rights and 3719

responsibilities regarding the child for the purpose of 3720
enrolling the child in a school or school district so that the 3721
child may participate in the academic or interscholastic 3722
athletic programs provided by that school or district. 3723

I understand that this document does not authorize a child 3724
support enforcement agency to redirect child support payments to 3725
the grandparent designated as attorney in fact. I further 3726
understand that to have an existing child support order modified 3727
or a new child support order issued administrative or judicial 3728
proceedings must be initiated. 3729

If there is a court order naming me the residential parent 3730
and legal custodian of the child who is the subject of this 3731
power of attorney and I am the sole parent signing this 3732
document, I hereby certify that one of the following is the 3733
case: 3734

(1) I have made reasonable efforts to locate and provide 3735
notice of the creation of this power of attorney to the other 3736
parent and have been unable to locate that parent; 3737

(2) The other parent is prohibited from receiving a notice 3738
of relocation; or 3739

(3) The parental rights of the other parent have been 3740
terminated by order of a juvenile court. 3741

This POWER OF ATTORNEY is valid until the occurrence of 3742
whichever of the following events occurs first: (1) I revoke 3743
this POWER OF ATTORNEY in writing and give notice of the 3744
revocation to the grandparent designated as attorney in fact and 3745
the juvenile court with which this POWER OF ATTORNEY was filed; 3746
(2) the child ceases to reside with the grandparent designated 3747
as attorney in fact; (3) this POWER OF ATTORNEY is terminated by 3748

court order; (4) the death of the child who is the subject of 3749
the power of attorney; or (5) the death of the grandparent 3750
designated as the attorney in fact. 3751

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 3752
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 3753
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY 3754
THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING 3755
A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO 3756
\$1,000, OR BOTH. 3757

Witness my hand this _____ day of _____, _____ 3758

Parent/Custodian/Guardian's signature 3759
3760

Parent's signature 3761
3762

Grandparent designated as attorney in fact 3763
3764

State of Ohio) 3765

) ss: 3766

County of _____) 3767

Subscribed, sworn to, and acknowledged before me this _____ day 3768

of _____, _____ 3769

Notary Public 3770
3771

Notices: 3772

1. A power of attorney may be executed only if one of the following 3773
circumstances exists: (1) The parent, guardian, or custodian of the child 3774
is: (a) Seriously ill, incarcerated, or about to be incarcerated; (b) 3775

Temporarily unable to provide financial support or parental guidance to 3776
the child; (c) Temporarily unable to provide adequate care and supervision 3777
of the child because of the parent's, guardian's, or custodian's physical 3778
or mental condition; (d) Homeless or without a residence because the 3779
current residence is destroyed or otherwise uninhabitable; or (e) In or 3780
about to enter a residential treatment program for substance abuse; (2) 3781
One of the child's parents is deceased and the other parent, with 3782
authority to do so, seeks to execute a power of attorney; or (3) The 3783
parent, guardian, or custodian has a well-founded belief that the power of 3784
attorney is in the child's best interest. 3785

2. The signatures of the parent, guardian, or custodian of the child and 3786
the grandparent designated as the attorney in fact must be notarized by an 3787
Ohio notary public. 3788

3. A parent, guardian, or custodian who creates a power of attorney must 3789
notify the parent of the child who is not the residential parent and legal 3790
custodian of the child unless one of the following circumstances applies: 3791
(a) the parent is prohibited from receiving a notice of relocation in 3792
accordance with section ~~3109.051~~-3109.0474 of the Revised Code of the 3793
creation of the power of attorney; (b) the parent's parental rights have 3794
been terminated by order of a juvenile court pursuant to Chapter 2151. of 3795
the Revised Code; (c) the parent cannot be located with reasonable 3796
efforts; (d) both parents are executing the power of attorney. The notice 3797
must be sent by certified mail not later than five days after the power of 3798
attorney is created and must state the name and address of the person 3799
designated as the attorney in fact. 3800

4. A parent, guardian, or custodian who creates a power of attorney must 3801
file it with the juvenile court of the county in which the attorney in 3802
fact resides, or any other court that has jurisdiction over the child 3803
under a previously filed motion or proceeding. The power of attorney must 3804
be filed not later than five days after the date it is created and be 3805

accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail.

5. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child.

6. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation.

7. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) the power of attorney is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent who is the attorney in fact and the juvenile court with which the power of attorney was filed; (2) the child ceases to live with the grandparent who is the attorney in fact; (3) the power of attorney is terminated by court order; (4) the death of the child who is the subject of the power of attorney; or (5) the death of the grandparent designated as the attorney in fact.

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact shall notify, in writing, all of the following:

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent;

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination;

(c) The court in which the power of attorney was filed after its creation;

(d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney terminates.

8. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed.

Additional information:

To the grandparent designated as attorney in fact:

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you.

2. You must include with the power of attorney the following information:

(a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period;

(b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;

(c) Whether you have information of any parenting proceeding concerning 3862
the child pending in a court of this or any other state; 3863

(d) Whether you know of any person who has physical custody of the child 3864
or claims to be a parent of the child who is designated the residential 3865
parent and legal custodian of the child or to have parenting time rights 3866
with respect to the child or to be a person other than a parent of the 3867
child who has custody or visitation rights with respect to the child; 3868

(e) Whether you previously have been convicted of or pleaded guilty to any 3869
criminal offense involving any act that resulted in a child's being an 3870
abused child or a neglected child or previously have been determined, in a 3871
case in which a child has been adjudicated an abused child or a neglected 3872
child, to be the perpetrator of the abusive or neglectful act that was the 3873
basis of the adjudication. 3874

3. If you receive written notice of revocation of the power of attorney or 3875
the parent, custodian, or guardian removes the child from your home and if 3876
you believe that the revocation or removal is not in the best interest of 3877
the child, you may, within fourteen days, file a complaint in the juvenile 3878
court to seek custody. You may retain physical custody of the child until 3879
the fourteen-day period elapses or, if you file a complaint, until the 3880
court orders otherwise. 3881

To school officials: 3882

1. Except as provided in section 3313.649 of the Revised Code, this power 3883
of attorney, properly completed and notarized, authorizes the child in 3884
question to attend school in the district in which the grandparent 3885
designated as attorney in fact resides and that grandparent is authorized 3886
to provide consent in all school-related matters and to obtain from the 3887
school district educational and behavioral information about the child. 3888
This power of attorney does not preclude the parent, guardian, or 3889
custodian of the child from having access to all school records pertinent 3890

to the child. 3891

2. The school district may require additional reasonable evidence that the 3892
grandparent lives in the school district. 3893

3. A school district or school official that reasonably and in good faith 3894
relies on this power of attorney has no obligation to make any further 3895
inquiry or investigation. 3896

To health care providers: 3897

1. A person or entity that acts in good faith reliance on a power of 3898
attorney to provide medical, psychological, or dental treatment, without 3899
actual knowledge of facts contrary to those stated in the power of 3900
attorney, is not subject to criminal liability or to civil liability to 3901
any person or entity, and is not subject to professional disciplinary 3902
action, solely for such reliance if the power of attorney is completed and 3903
the signatures of the parent, guardian, or custodian of the child and the 3904
grandparent designated as attorney in fact are notarized. 3905

2. The decision of a grandparent designated as attorney in fact, based on 3906
a power of attorney, shall be honored by a health care facility or 3907
practitioner, school district, or school official. 3908

Sec. 3109.55. (A) A person who creates a power of attorney 3909
under section 3109.52 of the Revised Code shall send notice of 3910
the creation to the parent of the child who is not the 3911
residential parent and legal custodian of the child unless one 3912
of the following is the case: 3913

(1) The parent is prohibited from receiving a notice of 3914
relocation in accordance with section ~~3109.051~~3109.0474 of the 3915
Revised Code. 3916

(2) The parent's parental rights have been terminated by 3917
order of a juvenile court pursuant to Chapter 2151. of the 3918

Revised Code.	3919
(3) The parent cannot be located with reasonable efforts.	3920
(4) The power of attorney is being created by both parents.	3921 3922
(B) The notice shall be sent by certified mail not later than five days after the power of attorney is created. The notice shall state the name and address of the person designated as the attorney in fact.	3923 3924 3925 3926
Sec. 3109.56. When a parent seeks to create a power of attorney pursuant to section 3109.52 of the Revised Code, all of the following apply:	3927 3928 3929
(A) The power of attorney shall be executed by both parents if any of the following apply:	3930 3931
(1) The parents are married to each other and are living as husband and wife.	3932 3933
(2) The child is the subject of a shared parenting order issued pursuant to section 3109.04 <u>3109.0413</u> of the Revised Code.	3934 3935 3936
(3) The child is the subject of a custody-parental rights <u>and responsibilities</u> order issued pursuant to section 3109.04 <u>3109.0412, 3109.0424, 3109.0425, or 3109.0426</u> of the Revised Code unless one of the following is the case:	3937 3938 3939 3940
(a) The parent who is not the residential parent and legal custodian is prohibited from receiving a notice of relocation in accordance with section 3109.051 <u>3109.0474</u> of the Revised Code.	3941 3942 3943
(b) The parental rights of the parent who is not the residential parent and legal custodian have been terminated by	3944 3945

order of a juvenile court pursuant to Chapter 2151. of the 3946
Revised Code. 3947

(c) The parent who is not the residential parent and legal 3948
custodian cannot be located with reasonable efforts. 3949

(B) In all other cases, the power of attorney may be 3950
executed only by one of the following persons: 3951

(1) The parent who is the residential parent and legal 3952
custodian of the child, as determined by court order or as 3953
provided in section 3109.042 of the Revised Code; 3954

(2) The parent with whom the child is residing the 3955
majority of the school year in cases in which no court has 3956
issued an order designating a parent as the residential parent 3957
and legal custodian of the child or section 3109.042 of the 3958
Revised Code is not applicable. 3959

Sec. 3109.65. (A) Except as provided in division (B) of 3960
this section, if a child is living with a grandparent who has 3961
made reasonable attempts to locate and contact both of the 3962
child's parents, or the child's guardian or custodian, but has 3963
been unable to do so, the grandparent may obtain authority to 3964
exercise care, physical custody, and control of the child 3965
including authority to enroll the child in school, to discuss 3966
with the school district the child's educational progress, to 3967
consent to all school-related matters regarding the child, and 3968
to consent to medical, psychological, or dental treatment for 3969
the child by executing a caretaker authorization affidavit in 3970
accordance with section 3109.67 of the Revised Code. 3971

(B) The grandparent may execute a caretaker authorization 3972
affidavit without attempting to locate the following parent: 3973

(1) If paternity has not been established with regard to 3974

the child, the child's father. 3975

(2) If the child is the subject of a custody order, the 3976
following parent: 3977

(a) A parent who is prohibited from receiving a notice of 3978
relocation in accordance with section ~~3109.051~~3109.0474 of the 3979
Revised Code; 3980

(b) A parent whose parental rights have been terminated by 3981
order of a juvenile court pursuant to Chapter 2151. of the 3982
Revised Code. 3983

Sec. 3113.31. (A) As used in this section: 3984

(1) "Domestic violence" means any of the following: 3985

(a) The occurrence of one or more of the following acts 3986
against a family or household member: 3987

(i) Attempting to cause or recklessly causing bodily 3988
injury; 3989

(ii) Placing another person by the threat of force in fear 3990
of imminent serious physical harm or committing a violation of 3991
section 2903.211 or 2911.211 of the Revised Code; 3992

(iii) Committing any act with respect to a child that 3993
would result in the child being an abused child, as defined in 3994
section 2151.031 of the Revised Code; 3995

(iv) Committing a sexually oriented offense. 3996

(b) The occurrence of one or more of the acts identified 3997
in divisions (A) (1) (a) (i) to (iv) of this section against a 3998
person with whom the respondent is or was in a dating 3999
relationship. 4000

(2) "Court" means the domestic relations division of the 4001

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.

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

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

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

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

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

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

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

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 4031
4032
4033

(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 4034
4035

(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 4036
4037

(8) "Dating relationship" means a relationship between individuals who have, or have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context. 4038
4039
4040
4041
4042

(9) "Person with whom the respondent is or was in a dating relationship" means an adult 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. 4043
4044
4045
4046
4047
4048

(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. 4049
4050
4051
4052

(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: 4053
4054
4055
4056
4057

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent 4058
4059

or against a person with whom the respondent is or was in a 4060
dating relationship, including a description of the nature and 4061
extent of the domestic violence; 4062

(2) The relationship of the respondent to the petitioner, 4063
and to the victim if other than the petitioner; 4064

(3) If the petition is for protection of a person with 4065
whom the respondent is or was in a dating relationship, the 4066
facts upon which the court may conclude that a dating 4067
relationship existed between the person to be protected and the 4068
respondent; 4069

(4) A request for relief under this section. 4070

(D) (1) If a person who files a petition pursuant to this 4071
section requests an ex parte order, the court shall hold an ex 4072
parte hearing on the same day that the petition is filed. The 4073
court, for good cause shown at the ex parte hearing, may enter 4074
any temporary orders, with or without bond, including, but not 4075
limited to, an order described in division (E) (1) (a), (b), or 4076
(c) of this section, that the court finds necessary to protect 4077
the family or household member or the person with whom the 4078
respondent is or was in a dating relationship from domestic 4079
violence. Immediate and present danger of domestic violence to 4080
the family or household member or to the person with whom the 4081
respondent is or was in a dating relationship constitutes good 4082
cause for purposes of this section. Immediate and present danger 4083
includes, but is not limited to, situations in which the 4084
respondent has threatened the family or household member or 4085
person with whom the respondent is or was in a dating 4086
relationship with bodily harm, in which the respondent has 4087
threatened the family or household member or person with whom 4088
the respondent is or was in a dating relationship with a 4089

sexually oriented offense, or in which the respondent previously 4090
has been convicted of, pleaded guilty to, or been adjudicated a 4091
delinquent child for an offense that constitutes domestic 4092
violence against the family or household member or person with 4093
whom the respondent is or was in a dating relationship. 4094

(2) (a) If the court, after an ex parte hearing, issues an 4095
order described in division (E) (1) (b) or (c) of this section, 4096
the court shall schedule a full hearing for a date that is 4097
within seven court days after the ex parte hearing. If any other 4098
type of protection order that is authorized under division (E) 4099
of this section is issued by the court after an ex parte 4100
hearing, the court shall schedule a full hearing for a date that 4101
is within ten court days after the ex parte hearing. The court 4102
shall give the respondent notice of, and an opportunity to be 4103
heard at, the full hearing. The court shall hold the full 4104
hearing on the date scheduled under this division unless the 4105
court grants a continuance of the hearing in accordance with 4106
this division. Under any of the following circumstances or for 4107
any of the following reasons, the court may grant a continuance 4108
of the full hearing to a reasonable time determined by the 4109
court: 4110

(i) Prior to the date scheduled for the full hearing under 4111
this division, the respondent has not been served with the 4112
petition filed pursuant to this section and notice of the full 4113
hearing. 4114

(ii) The parties consent to the continuance. 4115

(iii) The continuance is needed to allow a party to obtain 4116
counsel. 4117

(iv) The continuance is needed for other good cause. 4118

(b) An ex parte order issued under this section does not 4119
expire because of a failure to serve notice of the full hearing 4120
upon the respondent before the date set for the full hearing 4121
under division (D) (2) (a) of this section or because the court 4122
grants a continuance under that division. 4123

(3) If a person who files a petition pursuant to this 4124
section does not request an ex parte order, or if a person 4125
requests an ex parte order but the court does not issue an ex 4126
parte order after an ex parte hearing, the court shall proceed 4127
as in a normal civil action and grant a full hearing on the 4128
matter. 4129

(E) (1) After an ex parte or full hearing, the court may 4130
grant any protection order, with or without bond, or approve any 4131
consent agreement to bring about a cessation of domestic 4132
violence against the family or household members or persons with 4133
whom the respondent is or was in a dating relationship. The 4134
order or agreement may: 4135

(a) Direct the respondent to refrain from abusing or from 4136
committing sexually oriented offenses against the family or 4137
household members or persons with whom the respondent is or was 4138
in a dating relationship; 4139

(b) With respect to a petition involving family or 4140
household members, grant possession of the residence or 4141
household to the petitioner or other family or household member, 4142
to the exclusion of the respondent, by evicting the respondent, 4143
when the residence or household is owned or leased solely by the 4144
petitioner or other family or household member, or by ordering 4145
the respondent to vacate the premises, when the residence or 4146
household is jointly owned or leased by the respondent, and the 4147
petitioner or other family or household member; 4148

(c) With respect to a petition involving family or 4149
household members, when the respondent has a duty to support the 4150
petitioner or other family or household member living in the 4151
residence or household and the respondent is the sole owner or 4152
lessee of the residence or household, grant possession of the 4153
residence or household to the petitioner or other family or 4154
household member, to the exclusion of the respondent, by 4155
ordering the respondent to vacate the premises, or, in the case 4156
of a consent agreement, allow the respondent to provide 4157
suitable, alternative housing; 4158

(d) With respect to a petition involving family or 4159
household members, temporarily allocate parental rights and 4160
responsibilities for the care of, or establish temporary 4161
parenting time rights with regard to, minor children, if no 4162
other court has determined, or is determining, the allocation of 4163
parental rights and responsibilities for the minor children or 4164
parenting time rights; 4165

(e) With respect to a petition involving family or 4166
household members, require the respondent to maintain support, 4167
if the respondent customarily provides for or contributes to the 4168
support of the family or household member, or if the respondent 4169
has a duty to support the petitioner or family or household 4170
member; 4171

(f) Require the respondent, petitioner, victim of domestic 4172
violence, or any combination of those persons, to seek 4173
counseling; 4174

(g) Require the respondent to refrain from entering the 4175
residence, school, business, or place of employment of the 4176
petitioner or, with respect to a petition involving family or 4177
household members, a family or household member; 4178

(h) Grant other relief that the court considers equitable 4179
and fair, including, but not limited to, ordering the respondent 4180
to permit the use of a motor vehicle by the petitioner or, with 4181
respect to a petition involving family or household members, 4182
other family or household members and the apportionment of 4183
household and family personal property; 4184

(i) Require that the respondent not remove, damage, hide, 4185
harm, or dispose of any companion animal owned or possessed by 4186
the petitioner; 4187

(j) Authorize the petitioner to remove a companion animal 4188
owned by the petitioner from the possession of the respondent; 4189

(k) Require a wireless service transfer in accordance with 4190
sections 3113.45 to 3113.459 of the Revised Code. 4191

(2) If a protection order has been issued pursuant to this 4192
section in a prior action involving the respondent and the 4193
petitioner or, with respect to a petition involving family or 4194
household members, one or more of the family or household 4195
members or victims, the court may include in a protection order 4196
that it issues a prohibition against the respondent returning to 4197
the residence or household. If it includes a prohibition against 4198
the respondent returning to the residence or household in the 4199
order, it also shall include in the order provisions of the type 4200
described in division (E)(7) of this section. This division does 4201
not preclude the court from including in a protection order or 4202
consent agreement, in circumstances other than those described 4203
in this division, a requirement that the respondent be evicted 4204
from or vacate the residence or household or refrain from 4205
entering the residence, school, business, or place of employment 4206
of the petitioner or, with respect to a petition involving 4207
family or household members, a family or household member, and, 4208

if the court includes any requirement of that type in an order 4209
or agreement, the court also shall include in the order 4210
provisions of the type described in division (E) (7) of this 4211
section. 4212

(3) (a) Any protection order issued or consent agreement 4213
approved under this section shall be valid until a date certain, 4214
but not later than five years from the date of its issuance or 4215
approval, or not later than the date a respondent who is less 4216
than eighteen years of age attains nineteen years of age, unless 4217
modified or terminated as provided in division (E) (8) of this 4218
section. 4219

(b) With respect to an order involving family or household 4220
members, subject to the limitation on the duration of an order 4221
or agreement set forth in division (E) (3) (a) of this section, 4222
any order under division (E) (1) (d) of this section shall 4223
terminate on the date that a court in an action for divorce, 4224
dissolution of marriage, or legal separation brought by the 4225
petitioner or respondent issues an order allocating parental 4226
rights and responsibilities for the care of children or on the 4227
date that a juvenile court in an action brought by the 4228
petitioner or respondent issues an order awarding legal custody 4229
of minor children. Subject to the limitation on the duration of 4230
an order or agreement set forth in division (E) (3) (a) of this 4231
section, any order under division (E) (1) (e) of this section 4232
shall terminate on the date that a court in an action for 4233
divorce, dissolution of marriage, or legal separation brought by 4234
the petitioner or respondent issues a support order or on the 4235
date that a juvenile court in an action brought by the 4236
petitioner or respondent issues a support order. 4237

(c) Any protection order issued or consent agreement 4238

approved pursuant to this section may be renewed in the same 4239
manner as the original order or agreement was issued or 4240
approved. 4241

(4) A court may not issue a protection order that requires 4242
a petitioner to do or to refrain from doing an act that the 4243
court may require a respondent to do or to refrain from doing 4244
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 4245
this section unless all of the following apply: 4246

(a) The respondent files a separate petition for a 4247
protection order in accordance with this section. 4248

(b) The petitioner is served notice of the respondent's 4249
petition at least forty-eight hours before the court holds a 4250
hearing with respect to the respondent's petition, or the 4251
petitioner waives the right to receive this notice. 4252

(c) If the petitioner has requested an ex parte order 4253
pursuant to division (D) of this section, the court does not 4254
delay any hearing required by that division beyond the time 4255
specified in that division in order to consolidate the hearing 4256
with a hearing on the petition filed by the respondent. 4257

(d) After a full hearing at which the respondent presents 4258
evidence in support of the request for a protection order and 4259
the petitioner is afforded an opportunity to defend against that 4260
evidence, the court determines that the petitioner has committed 4261
an act of domestic violence or has violated a temporary 4262
protection order issued pursuant to section 2919.26 of the 4263
Revised Code, that both the petitioner and the respondent acted 4264
primarily as aggressors, and that neither the petitioner nor the 4265
respondent acted primarily in self-defense. 4266

(5) No protection order issued or consent agreement 4267

approved under this section shall in any manner affect title to 4268
any real property. 4269

(6) (a) With respect to an order involving family or 4270
household members, if a petitioner, or the child of a 4271
petitioner, who obtains a protection order or consent agreement 4272
pursuant to division (E) (1) of this section or a temporary 4273
protection order pursuant to section 2919.26 of the Revised Code 4274
and is the subject of a parenting time order issued pursuant to 4275
section ~~3109.051~~3109.0451 or 3109.12 of the Revised Code or a 4276
visitation or companionship order issued pursuant to section 4277
~~3109.051~~3109.0452, 3109.11, or 3109.12 of the Revised Code or 4278
division (E) (1) (d) of this section granting parenting time 4279
rights to the respondent, the court may require the public 4280
children services agency of the county in which the court is 4281
located to provide supervision of the respondent's exercise of 4282
parenting time or visitation or companionship rights with 4283
respect to the child for a period not to exceed nine months, if 4284
the court makes the following findings of fact: 4285

(i) The child is in danger from the respondent; 4286

(ii) No other person or agency is available to provide the 4287
supervision. 4288

(b) A court that requires an agency to provide supervision 4289
pursuant to division (E) (6) (a) of this section shall order the 4290
respondent to reimburse the agency for the cost of providing the 4291
supervision, if it determines that the respondent has sufficient 4292
income or resources to pay that cost. 4293

(7) (a) If a protection order issued or consent agreement 4294
approved under this section includes a requirement that the 4295
respondent be evicted from or vacate the residence or household 4296

or refrain from entering the residence, school, business, or 4297
place of employment of the petitioner or, with respect to a 4298
petition involving family or household members, a family or 4299
household member, the order or agreement shall state clearly 4300
that the order or agreement cannot be waived or nullified by an 4301
invitation to the respondent from the petitioner or other family 4302
or household member to enter the residence, school, business, or 4303
place of employment or by the respondent's entry into one of 4304
those places otherwise upon the consent of the petitioner or 4305
other family or household member. 4306

(b) Division (E) (7) (a) of this section does not limit any 4307
discretion of a court to determine that a respondent charged 4308
with a violation of section 2919.27 of the Revised Code, with a 4309
violation of a municipal ordinance substantially equivalent to 4310
that section, or with contempt of court, which charge is based 4311
on an alleged violation of a protection order issued or consent 4312
agreement approved under this section, did not commit the 4313
violation or was not in contempt of court. 4314

(8) (a) The court may modify or terminate as provided in 4315
division (E) (8) of this section a protection order or consent 4316
agreement that was issued after a full hearing under this 4317
section. The court that issued the protection order or approved 4318
the consent agreement shall hear a motion for modification or 4319
termination of the protection order or consent agreement 4320
pursuant to division (E) (8) of this section. 4321

(b) Either the petitioner or the respondent of the 4322
original protection order or consent agreement may bring a 4323
motion for modification or termination of a protection order or 4324
consent agreement that was issued or approved after a full 4325
hearing. The court shall require notice of the motion to be made 4326

as provided by the Rules of Civil Procedure. If the petitioner 4327
for the original protection order or consent agreement has 4328
requested that the petitioner's address be kept confidential, 4329
the court shall not disclose the address to the respondent of 4330
the original protection order or consent agreement or any other 4331
person, except as otherwise required by law. The moving party 4332
has the burden of proof to show, by a preponderance of the 4333
evidence, that modification or termination of the protection 4334
order or consent agreement is appropriate because either the 4335
protection order or consent agreement is no longer needed or 4336
because the terms of the original protection order or consent 4337
agreement are no longer appropriate. 4338

(c) In considering whether to modify or terminate a 4339
protection order or consent agreement issued or approved under 4340
this section, the court shall consider all relevant factors, 4341
including, but not limited to, the following: 4342

(i) Whether the petitioner consents to modification or 4343
termination of the protection order or consent agreement; 4344

(ii) Whether the petitioner fears the respondent; 4345

(iii) The current nature of the relationship between the 4346
petitioner and the respondent; 4347

(iv) The circumstances of the petitioner and respondent, 4348
including the relative proximity of the petitioner's and 4349
respondent's workplaces and residences and whether the 4350
petitioner and respondent have minor children together; 4351

(v) Whether the respondent has complied with the terms and 4352
conditions of the original protection order or consent 4353
agreement; 4354

(vi) Whether the respondent has a continuing involvement 4355

with illegal drugs or alcohol; 4356

(vii) Whether the respondent has been convicted of, 4357
pleaded guilty to, or been adjudicated a delinquent child for an 4358
offense of violence since the issuance of the protection order 4359
or approval of the consent agreement; 4360

(viii) Whether any other protection orders, consent 4361
agreements, restraining orders, or no contact orders have been 4362
issued against the respondent pursuant to this section, section 4363
2919.26 of the Revised Code, any other provision of state law, 4364
or the law of any other state; 4365

(ix) Whether the respondent has participated in any 4366
domestic violence treatment, intervention program, or other 4367
counseling addressing domestic violence and whether the 4368
respondent has completed the treatment, program, or counseling; 4369

(x) The time that has elapsed since the protection order 4370
was issued or since the consent agreement was approved; 4371

(xi) The age and health of the respondent; 4372

(xii) When the last incident of abuse, threat of harm, or 4373
commission of a sexually oriented offense occurred or other 4374
relevant information concerning the safety and protection of the 4375
petitioner or other protected parties. 4376

(d) If a protection order or consent agreement is modified 4377
or terminated as provided in division (E) (8) of this section, 4378
the court shall issue copies of the modified or terminated order 4379
or agreement as provided in division (F) of this section. A 4380
petitioner may also provide notice of the modification or 4381
termination to the judicial and law enforcement officials in any 4382
county other than the county in which the order or agreement is 4383
modified or terminated as provided in division (N) of this 4384

section. 4385

(e) If the respondent moves for modification or 4386
termination of a protection order or consent agreement pursuant 4387
to this section and the court denies the motion, the court may 4388
assess costs against the respondent for the filing of the 4389
motion. 4390

(9) Any protection order issued or any consent agreement 4391
approved pursuant to this section shall include a provision that 4392
the court will automatically seal all of the records of the 4393
proceeding in which the order is issued or agreement approved on 4394
the date the respondent attains the age of nineteen years unless 4395
the petitioner provides the court with evidence that the 4396
respondent has not complied with all of the terms of the 4397
protection order or consent agreement. The protection order or 4398
consent agreement shall specify the date when the respondent 4399
attains the age of nineteen years. 4400

(F) (1) A copy of any protection order, or consent 4401
agreement, that is issued, approved, modified, or terminated 4402
under this section shall be issued by the court to the 4403
petitioner, to the respondent, and to all law enforcement 4404
agencies that have jurisdiction to enforce the order or 4405
agreement. The court shall direct that a copy of an order be 4406
delivered to the respondent on the same day that the order is 4407
entered. 4408

(2) Upon the issuance of a protection order or the 4409
approval of a consent agreement under this section, the court 4410
shall provide the parties to the order or agreement with the 4411
following notice orally or by form: 4412

"NOTICE 4413

As a result of this order or consent agreement, it may be 4414
unlawful for you to possess or purchase a firearm, including a 4415
rifle, pistol, or revolver, or ammunition pursuant to federal 4416
law under 18 U.S.C. 922(g) (8) for the duration of this order or 4417
consent agreement. If you have any questions whether this law 4418
makes it illegal for you to possess or purchase a firearm or 4419
ammunition, you should consult an attorney." 4420

(3) All law enforcement agencies shall establish and 4421
maintain an index for the protection orders and the approved 4422
consent agreements delivered to the agencies pursuant to 4423
division (F) (1) of this section. With respect to each order and 4424
consent agreement delivered, each agency shall note on the index 4425
the date and time that it received the order or consent 4426
agreement. 4427

(4) Regardless of whether the petitioner has registered 4428
the order or agreement in the county in which the officer's 4429
agency has jurisdiction pursuant to division (N) of this 4430
section, any officer of a law enforcement agency shall enforce a 4431
protection order issued or consent agreement approved by any 4432
court in this state in accordance with the provisions of the 4433
order or agreement, including removing the respondent from the 4434
premises, if appropriate. 4435

(G) (1) Any proceeding under this section shall be 4436
conducted in accordance with the Rules of Civil Procedure, 4437
except that an order under this section may be obtained with or 4438
without bond. An order issued under this section, other than an 4439
ex parte order, that grants a protection order or approves a 4440
consent agreement, that refuses to grant a protection order or 4441
approve a consent agreement that modifies or terminates a 4442
protection order or consent agreement, or that refuses to modify 4443

or terminate a protection order or consent agreement, is a 4444
final, appealable order. The remedies and procedures provided in 4445
this section are in addition to, and not in lieu of, any other 4446
available civil or criminal remedies. 4447

(2) If as provided in division (G)(1) of this section an 4448
order issued under this section, other than an ex parte order, 4449
refuses to grant a protection order, the court, on its own 4450
motion, shall order that the ex parte order issued under this 4451
section and all of the records pertaining to that ex parte order 4452
be sealed after either of the following occurs: 4453

(a) No party has exercised the right to appeal pursuant to 4454
Rule 4 of the Rules of Appellate Procedure. 4455

(b) All appellate rights have been exhausted. 4456

(H) The filing of proceedings under this section does not 4457
excuse a person from filing any report or giving any notice 4458
required by section 2151.421 of the Revised Code or by any other 4459
law. When a petition under this section alleges domestic 4460
violence against minor children, the court shall report the 4461
fact, or cause reports to be made, to a county, township, or 4462
municipal peace officer under section 2151.421 of the Revised 4463
Code. 4464

(I) Any law enforcement agency that investigates a 4465
domestic dispute shall provide information to the family or 4466
household members involved, or the persons in the dating 4467
relationship who are involved, whichever is applicable regarding 4468
the relief available under this section and, for family or 4469
household members, section 2919.26 of the Revised Code. 4470

(J)(1) Subject to divisions (E)(8)(e) and (J)(2) of this 4471
section and regardless of whether a protection order is issued 4472

or a consent agreement is approved by a court of another county 4473
or a court of another state, no court or unit of state or local 4474
government shall charge the petitioner any fee, cost, deposit, 4475
or money in connection with the filing of a petition pursuant to 4476
this section or in connection with the filing, issuance, 4477
registration, modification, enforcement, dismissal, withdrawal, 4478
or service of a protection order, consent agreement, or witness 4479
subpoena or for obtaining a certified copy of a protection order 4480
or consent agreement. 4481

(2) Regardless of whether a protection order is issued or 4482
a consent agreement is approved pursuant to this section, the 4483
court may assess costs against the respondent in connection with 4484
the filing, issuance, registration, modification, enforcement, 4485
dismissal, withdrawal, or service of a protection order, consent 4486
agreement, or witness subpoena or for obtaining a certified copy 4487
of a protection order or consent agreement. 4488

(K) (1) The court shall comply with Chapters 3119., 3121., 4489
3123., and 3125. of the Revised Code when it makes or modifies 4490
an order for child support under this section. 4491

(2) If any person required to pay child support under an 4492
order made under this section on or after April 15, 1985, or 4493
modified under this section on or after December 31, 1986, is 4494
found in contempt of court for failure to make support payments 4495
under the order, the court that makes the finding, in addition 4496
to any other penalty or remedy imposed, shall assess all court 4497
costs arising out of the contempt proceeding against the person 4498
and require the person to pay any reasonable attorney's fees of 4499
any adverse party, as determined by the court, that arose in 4500
relation to the act of contempt. 4501

(L) (1) A person who violates a protection order issued or 4502

a consent agreement approved under this section is subject to 4503
the following sanctions: 4504

(a) Criminal prosecution or a delinquent child proceeding 4505
for a violation of section 2919.27 of the Revised Code, if the 4506
violation of the protection order or consent agreement 4507
constitutes a violation of that section; 4508

(b) Punishment for contempt of court. 4509

(2) The punishment of a person for contempt of court for 4510
violation of a protection order issued or a consent agreement 4511
approved under this section does not bar criminal prosecution of 4512
the person or a delinquent child proceeding concerning the 4513
person for a violation of section 2919.27 of the Revised Code. 4514
However, a person punished for contempt of court is entitled to 4515
credit for the punishment imposed upon conviction of or 4516
adjudication as a delinquent child for a violation of that 4517
section, and a person convicted of or adjudicated a delinquent 4518
child for a violation of that section shall not subsequently be 4519
punished for contempt of court arising out of the same activity. 4520

(M) In all stages of a proceeding under this section, a 4521
petitioner may be accompanied by a victim advocate. 4522

(N) (1) A petitioner who obtains a protection order or 4523
consent agreement under this section or a temporary protection 4524
order under section 2919.26 of the Revised Code may provide 4525
notice of the issuance or approval of the order or agreement to 4526
the judicial and law enforcement officials in any county other 4527
than the county in which the order is issued or the agreement is 4528
approved by registering that order or agreement in the other 4529
county pursuant to division (N) (2) of this section and filing a 4530
copy of the registered order or registered agreement with a law 4531

enforcement agency in the other county in accordance with that 4532
division. A person who obtains a protection order issued by a 4533
court of another state may provide notice of the issuance of the 4534
order to the judicial and law enforcement officials in any 4535
county of this state by registering the order in that county 4536
pursuant to section 2919.272 of the Revised Code and filing a 4537
copy of the registered order with a law enforcement agency in 4538
that county. 4539

(2) A petitioner may register a temporary protection 4540
order, protection order, or consent agreement in a county other 4541
than the county in which the court that issued the order or 4542
approved the agreement is located in the following manner: 4543

(a) The petitioner shall obtain a certified copy of the 4544
order or agreement from the clerk of the court that issued the 4545
order or approved the agreement and present that certified copy 4546
to the clerk of the court of common pleas or the clerk of a 4547
municipal court or county court in the county in which the order 4548
or agreement is to be registered. 4549

(b) Upon accepting the certified copy of the order or 4550
agreement for registration, the clerk of the court of common 4551
pleas, municipal court, or county court shall place an 4552
endorsement of registration on the order or agreement and give 4553
the petitioner a copy of the order or agreement that bears that 4554
proof of registration. 4555

(3) The clerk of each court of common pleas, the clerk of 4556
each municipal court, and the clerk of each county court shall 4557
maintain a registry of certified copies of temporary protection 4558
orders, protection orders, or consent agreements that have been 4559
issued or approved by courts in other counties and that have 4560
been registered with the clerk. 4561

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

Sec. 3119.01. (A) As used in the Revised Code, "child support enforcement agency" means a child support enforcement agency designated under former section 2301.35 of the Revised Code prior to October 1, 1997, or a private or government entity designated as a child support enforcement agency under section 307.981 of the Revised Code.

(B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code:

(1) "Administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001.

(2) "Child support order" means either a court child support order or an administrative child support order.

(3) "Obligee" means the person who is entitled to receive the support payments under a support order.

(4) "Obligor" means the person who is required to pay support under a support order.

(5) "Support order" means either an administrative child support order or a court support order.

(C) As used in this chapter:	4591
(1) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year.	4592 4593 4594
(2) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.	4595 4596 4597
(3) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	4598 4599 4600 4601 4602 4603 4604
(4) "Court-ordered parenting time" means the amount of parenting time a parent is to have under a parenting time order or the amount of time the children are to be in the physical custody of a parent under a shared parenting order <u>or parental rights and responsibilities order</u> .	4605 4606 4607 4608 4609
(5) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	4610 4611 4612 4613 4614
(6) "CPI-U" means the consumer price index for all urban consumers, published by the United States department of labor, bureau of labor statistics.	4615 4616 4617
(7) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year	4618 4619

that exceed the total cash medical support amount owed by the 4620
parents during that year. 4621

(8) "Federal poverty level" has the same meaning as in 4622
section 5121.30 of the Revised Code. 4623

(9) "Income" means either of the following: 4624

(a) For a parent who is employed to full capacity, the 4625
gross income of the parent; 4626

(b) For a parent who is unemployed or underemployed, the 4627
sum of the gross income of the parent and any potential income 4628
of the parent. 4629

(10) "Income share" means the percentage derived from a 4630
comparison of each parent's annual income after allowable 4631
deductions and credits as indicated on the worksheet to the 4632
total annual income of both parents. 4633

(11) "Insurer" means any person authorized under Title 4634
XXXIX of the Revised Code to engage in the business of insurance 4635
in this state, any health insuring corporation, and any legal 4636
entity that is self-insured and provides benefits to its 4637
employees or members. 4638

(12) "Gross income" means, except as excluded in division 4639
(C) (12) of this section, the total of all earned and unearned 4640
income from all sources during a calendar year, whether or not 4641
the income is taxable, and includes income from salaries, wages, 4642
overtime pay, and bonuses to the extent described in division 4643
(D) of section 3119.05 of the Revised Code; commissions; 4644
royalties; tips; rents; dividends; severance pay; pensions; 4645
interest; trust income; annuities; social security benefits, 4646
including retirement, disability, and survivor benefits that are 4647
not means-tested; workers' compensation benefits; unemployment 4648

insurance benefits; disability insurance benefits; benefits that 4649
are not means-tested and that are received by and in the 4650
possession of the veteran who is the beneficiary for any 4651
service-connected disability under a program or law administered 4652
by the United States department of veterans' affairs or 4653
veterans' administration; spousal support actually received; and 4654
all other sources of income. "Gross income" includes income of 4655
members of any branch of the United States armed services or 4656
national guard, including, amounts representing base pay, basic 4657
allowance for quarters, basic allowance for subsistence, 4658
supplemental subsistence allowance, cost of living adjustment, 4659
specialty pay, variable housing allowance, and pay for training 4660
or other types of required drills; self-generated income; and 4661
potential cash flow from any source. 4662

"Gross income" does not include any of the following: 4663

(a) Benefits received from means-tested government 4664
administered programs, including Ohio works first; prevention, 4665
retention, and contingency; means-tested veterans' benefits; 4666
supplemental security income; supplemental nutrition assistance 4667
program; disability financial assistance; or other assistance 4668
for which eligibility is determined on the basis of income or 4669
assets; 4670

(b) Benefits for any service-connected disability under a 4671
program or law administered by the United States department of 4672
veterans' affairs or veterans' administration that are not 4673
means-tested, that have not been distributed to the veteran who 4674
is the beneficiary of the benefits, and that are in the 4675
possession of the United States department of veterans' affairs 4676
or veterans' administration; 4677

(c) Child support amounts received for children who are 4678

not included in the current calculation;	4679
(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;	4680 4681 4682
(e) Nonrecurring or unsustainable income or cash flow items;	4683 4684
(f) Adoption assistance, kinship guardianship assistance, and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended;	4685 4686 4687 4688
(g) State kinship guardianship assistance described in section 5153.163 of the Revised Code and payment from the kinship support program described in section 5101.881 of the Revised Code.	4689 4690 4691 4692
(13) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.	4693 4694 4695 4696 4697 4698 4699 4700 4701 4702 4703
(14) "Ordinary medical expenses" includes copayments and deductibles, and uninsured medical-related costs for the children of the order.	4704 4705 4706
(15) (a) "Ordinary and necessary expenses incurred in	4707

generating gross receipts" means actual cash items expended by 4708
the parent or the parent's business and includes depreciation 4709
expenses of business equipment as shown on the books of a 4710
business entity. 4711

(b) Except as specifically included in "ordinary and 4712
necessary expenses incurred in generating gross receipts" by 4713
division (C) (15) (a) of this section, "ordinary and necessary 4714
expenses incurred in generating gross receipts" does not include 4715
depreciation expenses and other noncash items that are allowed 4716
as deductions on any federal tax return of the parent or the 4717
parent's business. 4718

(16) "Personal earnings" means compensation paid or 4719
payable for personal services, however denominated, and includes 4720
wages, salary, commissions, bonuses, draws against commissions, 4721
profit sharing, vacation pay, or any other compensation. 4722

(17) "Potential income" means both of the following for a 4723
parent who the court pursuant to a court support order, or a 4724
child support enforcement agency pursuant to an administrative 4725
child support order, determines is voluntarily unemployed or 4726
voluntarily underemployed: 4727

(a) Imputed income that the court or agency determines the 4728
parent would have earned if fully employed as determined from 4729
the following criteria: 4730

(i) The parent's prior employment experience; 4731

(ii) The parent's education; 4732

(iii) The parent's physical and mental disabilities, if 4733
any; 4734

(iv) The availability of employment in the geographic area 4735

in which the parent resides;	4736
(v) The prevailing wage and salary levels in the geographic area in which the parent resides;	4737 4738
(vi) The parent's special skills and training;	4739
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	4740 4741
(viii) The age and special needs of the child for whom child support is being calculated under this section;	4742 4743
(ix) The parent's increased earning capacity because of experience;	4744 4745
(x) The parent's decreased earning capacity because of a felony conviction;	4746 4747
(xi) Any other relevant factor.	4748
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	4749 4750 4751 4752 4753 4754
(18) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	4755 4756
(19) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by	4757 4758 4759 4760 4761 4762

a parent from self-employment, the operation of a business, or 4763
rents, including company cars, free housing, reimbursed meals, 4764
and other benefits, if the reimbursements are significant and 4765
reduce personal living expenses. 4766

(20) "Self-sufficiency reserve" means the minimal amount 4767
necessary for an obligor to adequately subsist upon, as 4768
determined under section 3119.021 of the Revised Code. 4769

(21) "Split parental rights and responsibilities" means a 4770
situation in which there is more than one child who is the 4771
subject of an allocation of parental rights and responsibilities 4772
and each parent is the residential parent and legal custodian of 4773
at least one of those children. 4774

(22) "Worksheet" means the applicable worksheet created in 4775
rules adopted under section 3119.022 of the Revised Code that is 4776
used to calculate a parent's child support obligation. 4777

Sec. 3119.08. Whenever a court issues a child support 4778
order, it shall include in the order specific provisions for 4779
regular, holiday, vacation, parenting time, and special 4780
visitation in accordance with section ~~3109.051~~3109.0451, 4781
3109.0452, 3109.11, or 3109.12 of the Revised Code or in 4782
accordance with any other applicable section of the Revised 4783
Code. 4784

Sec. 3119.24. (A) (1) A court that issues a parental rights 4785
and responsibilities order or shared parenting order ~~in~~ 4786
~~accordance with section 3109.04 of the Revised Code~~ shall order 4787
an amount of child support to be paid under the child support 4788
order that is calculated in accordance with the schedule and 4789
with the worksheet, except that, if that amount would be unjust 4790
or inappropriate to the children or either parent and therefore 4791

not in the best interest of the child because of the 4792
extraordinary circumstances of the parents or because of any 4793
other factors or criteria set forth in section 3119.23 of the 4794
Revised Code, the court may deviate from that amount. 4795

(2) The court shall consider extraordinary circumstances 4796
and other factors or criteria if it deviates from the amount 4797
described in division (A) (1) of this section and shall enter in 4798
the journal the amount described in division (A) (1) of this 4799
section its determination that the amount would be unjust or 4800
inappropriate and therefore not in the best interest of the 4801
child, and findings of fact supporting its determination. 4802

(B) For the purposes of this section, "extraordinary 4803
circumstances of the parents" includes all of the following: 4804

(1) The ability of each parent to maintain adequate 4805
housing for the children; 4806

(2) Each parent's expenses, including child care expenses, 4807
school tuition, medical expenses, dental expenses, and any other 4808
expenses the court considers relevant; 4809

(3) Any other circumstances the court considers relevant. 4810

Sec. 3119.964. (A) If a court grants relief from a 4811
judgment, order, or determination pursuant to section 3119.962 4812
of the Revised Code and if the person who is relieved or the 4813
male minor has been granted parenting time rights pursuant to an 4814
order issued under section ~~3109.051~~3109.0451 or 3109.12 of the 4815
Revised Code, or if any relative of the person or male minor has 4816
been granted companionship or visitation rights with the child 4817
pursuant to an order issued under section ~~3109.051~~3109.0452 or 4818
3109.12 of the Revised Code, the court shall determine whether 4819
the order granting those rights should be terminated, modified, 4820

or continued. 4821

(B) If a court grants relief from a child support order 4822
pursuant to section 3119.962 of the Revised Code and support 4823
arrearages are owed, the court may issue an order canceling that 4824
arrearage. Nothing in this section limits any actions that may 4825
be taken by the person or male minor granted relief under this 4826
section to recover support paid under the child support order 4827
from which relief was granted. 4828

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 4829
the Revised Code: 4830

(A) "Alternative public provider" means either of the 4831
following providers that agrees to enroll a child in the 4832
provider's special education program to implement the child's 4833
individualized education program and to which the eligible 4834
applicant owes fees for the services provided to the child: 4835

(1) A school district that is not the school district in 4836
which the child is entitled to attend school or the child's 4837
school district of residence, if different; 4838

(2) A public entity other than a school district. 4839

(B) "Child with a disability" and "individualized 4840
education program" have the same meanings as in section 3323.01 4841
of the Revised Code. 4842

(C) "Eligible applicant" means any of the following: 4843

(1) Either of the natural or adoptive parents of a 4844
qualified special education child, except as otherwise specified 4845
in this division. When the marriage of the natural or adoptive 4846
parents of the student has been terminated by a divorce, 4847
dissolution of marriage, or annulment, or when the natural or 4848

adoptive parents of the student are living separate and apart 4849
under a legal separation decree, and a court has issued an order 4850
allocating the parental rights and responsibilities with respect 4851
to the child, "eligible applicant" means the residential parent 4852
as designated by the court. If the court issues a shared 4853
parenting ~~decree~~ order or an order under section 3109.0426 of the 4854
Revised Code, "eligible applicant" means either parent. 4855
"Eligible applicant" does not mean a parent whose custodial 4856
rights have been terminated. 4857

(2) The custodian of a qualified special education child, 4858
when a court has granted temporary, legal, or permanent custody 4859
of the child to an individual other than either of the natural 4860
or adoptive parents of the child or to a government agency; 4861

(3) The guardian of a qualified special education child, 4862
when a court has appointed a guardian for the child; 4863

(4) The grandparent of a qualified special education 4864
child, when the grandparent is the child's attorney in fact 4865
under a power of attorney executed under sections 3109.51 to 4866
3109.62 of the Revised Code or when the grandparent has executed 4867
a caretaker authorization affidavit under sections 3109.65 to 4868
3109.73 of the Revised Code; 4869

(5) The surrogate parent appointed for a qualified special 4870
education child pursuant to division (B) of section 3323.05 and 4871
section 3323.051 of the Revised Code; 4872

(6) A qualified special education child, if the child does 4873
not have a custodian or guardian and the child is at least 4874
eighteen years of age. 4875

(D) "Entitled to attend school" means entitled to attend 4876
school in a school district under sections 3313.64 and 3313.65 4877

of the Revised Code. 4878

(E) "Formula ADM" has the same meaning as in section 4879
3317.02 of the Revised Code. 4880

(F) "Qualified special education child" is a child for 4881
whom all of the following conditions apply: 4882

(1) The child is at least five years of age and less than 4883
twenty-two years of age. 4884

(2) The school district in which the child is entitled to 4885
attend school, or the child's school district of residence if 4886
different, has identified the child as a child with a 4887
disability. 4888

(3) The school district in which the child is entitled to 4889
attend school, or the child's school district of residence if 4890
different, has developed an individualized education program 4891
under Chapter 3323. of the Revised Code for the child. 4892

(4) The child either: 4893

(a) Was enrolled in the schools of the school district in 4894
which the child is entitled to attend school in any grade from 4895
kindergarten through twelve in the school year prior to the 4896
school year in which a scholarship is first sought for the 4897
child; 4898

(b) Is eligible to enter school in any grade kindergarten 4899
through twelve in the school district in which the child is 4900
entitled to attend school in the school year in which a 4901
scholarship is first sought for the child. 4902

(5) The department of education has not approved a 4903
scholarship for the child under the educational choice 4904
scholarship pilot program, under sections 3310.01 to 3310.17 of 4905

the Revised Code, the autism scholarship program, under section 4906
3310.41 of the Revised Code, or the pilot project scholarship 4907
program, under sections 3313.974 to 3313.979 of the Revised Code 4908
for the same school year in which a scholarship under the Jon 4909
Peterson special needs scholarship program is sought. 4910

(6) The child and the child's parents are in compliance 4911
with the state compulsory attendance law under Chapter 3321. of 4912
the Revised Code. 4913

(G) "Registered private provider" means a nonpublic school 4914
or other nonpublic entity that has been registered by the 4915
superintendent of public instruction under section 3310.58 of 4916
the Revised Code. 4917

(H) "Scholarship" means a scholarship awarded under the 4918
Jon Peterson special needs scholarship program pursuant to 4919
sections 3310.51 to 3310.64 of the Revised Code. 4920

(I) "School district of residence" has the same meaning as 4921
in section 3323.01 of the Revised Code. A community school 4922
established under Chapter 3314. of the Revised Code is not a 4923
"school district of residence" for purposes of sections 3310.51 4924
to 3310.64 of the Revised Code. 4925

(J) "School year" has the same meaning as in section 4926
3313.62 of the Revised Code. 4927

(K) "Special education program" means a school or facility 4928
that provides special education and related services to children 4929
with disabilities. 4930

Sec. 3313.98. Notwithstanding division (D) of section 4931
3311.19 and division (D) of section 3311.52 of the Revised Code, 4932
the provisions of this section and sections 3313.981 to 3313.983 4933
of the Revised Code that apply to a city school district do not 4934

apply to a joint vocational or cooperative education school 4935
district unless expressly specified. 4936

(A) As used in this section and sections 3313.981 to 4937
3313.983 of the Revised Code: 4938

(1) "Parent" means either of the natural or adoptive 4939
parents of a student, except under the following conditions: 4940

(a) When the marriage of the natural or adoptive parents 4941
of the student has been terminated by a divorce, dissolution of 4942
marriage, or annulment or the natural or adoptive parents of the 4943
student are living separate and apart under a legal separation 4944
decree and the court has issued an order allocating the parental 4945
rights and responsibilities with respect to the student, 4946
"parent" means the residential parent as designated by the court 4947
except that "parent" means either parent when the court issues a 4948
shared parenting ~~decree~~order or an order under section 3109.0426 4949
of the Revised Code. 4950

(b) When a court has granted temporary or permanent 4951
custody of the student to an individual or agency other than 4952
either of the natural or adoptive parents of the student, 4953
"parent" means the legal custodian of the child. 4954

(c) When a court has appointed a guardian for the student, 4955
"parent" means the guardian of the student. 4956

(2) "Native student" means a student entitled under 4957
section 3313.64 or 3313.65 of the Revised Code to attend school 4958
in a district adopting a resolution under this section. 4959

(3) "Adjacent district" means a city, exempted village, or 4960
local school district having territory that abuts the territory 4961
of a district adopting a resolution under this section. 4962

(4) "Adjacent district student" means a student entitled 4963
under section 3313.64 or 3313.65 of the Revised Code to attend 4964
school in an adjacent district. 4965

(5) "Adjacent district joint vocational student" means an 4966
adjacent district student who enrolls in a city, exempted 4967
village, or local school district pursuant to this section and 4968
who also enrolls in a joint vocational school district that does 4969
not contain the territory of the district for which that student 4970
is a native student and does contain the territory of the city, 4971
exempted village, or local district in which the student 4972
enrolls. 4973

(6) "Poverty line" means the poverty line established by 4974
the director of the United States office of management and 4975
budget as revised by the secretary of health and human services 4976
in accordance with section 673(2) of the "Community Services 4977
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 4978

(7) "IEP" has the same meaning as in section 3323.01 of 4979
the Revised Code. 4980

(8) "Other district" means a city, exempted village, or 4981
local school district having territory outside of the territory 4982
of a district adopting a resolution under this section. 4983

(9) "Other district student" means a student entitled 4984
under section 3313.64 or 3313.65 of the Revised Code to attend 4985
school in an other district. 4986

(10) "Other district joint vocational student" means a 4987
student who is enrolled in any city, exempted village, or local 4988
school district and who also enrolls in a joint vocational 4989
school district that does not contain the territory of the 4990
district for which that student is a native student in 4991

accordance with a policy adopted under section 3313.983 of the Revised Code. 4992
4993

(B) (1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies: 4994
4995
4996
4997

(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code; 4998
4999
5000
5001

(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution; 5002
5003
5004

(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution. 5005
5006
5007

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following: 5008
5009
5010

(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved. 5011
5012
5013
5014

(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to: 5015
5016
5017

(i) The establishment of district capacity limits by grade level, school building, and education program; 5018
5019

(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;

(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;

(3) A requirement that the student be proficient in the English language;

(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.

(D) (1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of

education of each adjacent district and, upon request, to the 5049
parent of any adjacent district student. 5050

(2) Each school board permitting enrollment of other 5051
district students shall provide information about the policy 5052
adopted under this section, including the application procedures 5053
and deadlines, upon request, to the board of education of any 5054
other school district or to the parent of any student anywhere 5055
in the state. 5056

(E) Any school board shall accept all credits toward 5057
graduation earned in adjacent or other district schools by an 5058
adjacent or other district student or a native student. 5059

(F) (1) No board of education may adopt a policy 5060
discouraging or prohibiting its native students from applying to 5061
enroll in the schools of an adjacent or any other district that 5062
has adopted a policy permitting such enrollment, except that: 5063

(a) A district may object to the enrollment of a native 5064
student in an adjacent or other district in order to maintain an 5065
appropriate racial balance. 5066

(b) The board of education of a district receiving funds 5067
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 5068
may adopt a resolution objecting to the enrollment of its native 5069
students in adjacent or other districts if at least ten per cent 5070
of its students are included in the determination of the United 5071
States secretary of education made under section 20 U.S.C.A. 5072
238(a). 5073

(2) If a board objects to enrollment of native students 5074
under this division, any adjacent or other district shall refuse 5075
to enroll such native students unless tuition is paid for the 5076
students in accordance with section 3317.08 of the Revised Code. 5077

An adjacent or other district enrolling such students may not 5078
receive funding for those students in accordance with section 5079
3313.981 of the Revised Code. 5080

(G) The state board of education shall monitor school 5081
districts to ensure compliance with this section and the 5082
districts' policies. The board may adopt rules requiring uniform 5083
application procedures, deadlines for application, notification 5084
procedures, and record-keeping requirements for all school 5085
boards that adopt policies permitting the enrollment of adjacent 5086
or other district students, as applicable. If the state board 5087
adopts such rules, no school board shall adopt a policy that 5088
conflicts with those rules. 5089

(H) A resolution adopted by a board of education under 5090
this section that entirely prohibits the enrollment of students 5091
from adjacent and from other school districts does not abrogate 5092
any agreement entered into under section 3313.841 or 3313.92 of 5093
the Revised Code or any contract entered into under section 5094
3313.90 of the Revised Code between the board of education 5095
adopting the resolution and the board of education of any 5096
adjacent or other district or prohibit these boards of education 5097
from entering into any such agreement or contract. 5098

(I) Nothing in this section shall be construed to permit 5099
or require the board of education of a city, exempted village, 5100
or local school district to exclude any native student of the 5101
district from enrolling in the district. 5102

Sec. 3319.321. (A) No person shall release, or permit 5103
access to, the directory information concerning any students 5104
attending a public school to any person or group for use in a 5105
profit-making plan or activity. Notwithstanding division (B) (4) 5106
of section 149.43 of the Revised Code, a person may require 5107

disclosure of the requestor's identity or the intended use of 5108
the directory information concerning any students attending a 5109
public school to ascertain whether the directory information is 5110
for use in a profit-making plan or activity. 5111

(B) No person shall release, or permit access to, 5112
personally identifiable information other than directory 5113
information concerning any student attending a public school, 5114
for purposes other than those identified in division (C), (E), 5115
(G), or (H) of this section, without the written consent of the 5116
parent, guardian, or custodian of each such student who is less 5117
than eighteen years of age, or without the written consent of 5118
each such student who is eighteen years of age or older. 5119

(1) For purposes of this section, "directory information" 5120
includes a student's name, address, telephone listing, date and 5121
place of birth, major field of study, participation in 5122
officially recognized activities and sports, weight and height 5123
of members of athletic teams, dates of attendance, date of 5124
graduation, and awards received. 5125

(2) (a) Except as provided in division (B) (2) (b) of this 5126
section, no school district board of education shall impose any 5127
restriction on the presentation of directory information that it 5128
has designated as subject to release in accordance with the 5129
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 5130
571, 20 U.S.C. 1232q, as amended, to representatives of the 5131
armed forces, business, industry, charitable institutions, other 5132
employers, and institutions of higher education unless such 5133
restriction is uniformly imposed on each of these types of 5134
representatives, except that if a student eighteen years of age 5135
or older or a student's parent, guardian, or custodian has 5136
informed the board that any or all such information should not 5137

be released without such person's prior written consent, the 5138
board shall not release that information without such person's 5139
prior written consent. 5140

(b) The names and addresses of students in grades ten 5141
through twelve shall be released to a recruiting officer for any 5142
branch of the United States armed forces who requests such 5143
information, except that such data shall not be released if the 5144
student or student's parent, guardian, or custodian submits to 5145
the board a written request not to release such data. Any data 5146
received by a recruiting officer shall be used solely for the 5147
purpose of providing information to students regarding military 5148
service and shall not be released to any person other than 5149
individuals within the recruiting services of the armed forces. 5150

(3) Except for directory information and except as 5151
provided in division (E), (G), or (H) of this section, 5152
information covered by this section that is released shall only 5153
be transferred to a third or subsequent party on the condition 5154
that such party will not permit any other party to have access 5155
to such information without written consent of the parent, 5156
guardian, or custodian, or of the student who is eighteen years 5157
of age or older. 5158

(4) Except as otherwise provided in this section, any 5159
parent of a student may give the written parental consent 5160
required under this section. Where parents are separated or 5161
divorced, the written parental consent required under this 5162
section may be obtained from either parent, subject to any 5163
agreement between such parents or court order governing the 5164
rights of such parents. In the case of a student whose legal 5165
guardian is in an institution, a person independent of the 5166
institution who has no other conflicting interests in the case 5167

shall be appointed by the board of education of the school 5168
district in which the institution is located to give the written 5169
parental consent required under this section. 5170

(5) (a) A parent of a student who is not the student's 5171
residential parent, upon request, shall be permitted access to 5172
any records or information concerning the student under the same 5173
terms and conditions under which access to the records or 5174
information is available to the residential parent of that 5175
student, provided that the access of the parent who is not the 5176
residential parent is subject to any agreement between the 5177
parents, to division (F) of this section, and, to the extent 5178
described in division (B) (5) (b) of this section, is subject to 5179
~~any court~~ a parenting time order issued pursuant to section 5180
~~3109.051-3109.0451~~ of the Revised Code and any other court order 5181
governing the rights of the parents. 5182

(b) If the residential parent of a student has presented 5183
the keeper of a record or information that is related to the 5184
student with a copy of an order issued under ~~division (H) (1) of~~ 5185
section ~~3109.051-3109.0461~~ of the Revised Code that limits the 5186
terms and conditions under which the parent who is not the 5187
residential parent of the student is to have access to records 5188
and information pertaining to the student or with a copy of any 5189
other court order governing the rights of the parents that so 5190
limits those terms and conditions, and if the order pertains to 5191
the record or information in question, the keeper of the record 5192
or information shall provide access to the parent who is not the 5193
residential parent only to the extent authorized in the order. 5194
If the residential parent has presented the keeper of the record 5195
or information with such an order, the keeper of the record 5196
shall permit the parent who is not the residential parent to 5197
have access to the record or information only in accordance with 5198

the most recent such order that has been presented to the keeper 5199
by the residential parent or the parent who is not the 5200
residential parent. 5201

(C) Nothing in this section shall limit the administrative 5202
use of public school records by a person acting exclusively in 5203
the person's capacity as an employee of a board of education or 5204
of the state or any of its political subdivisions, any court, or 5205
the federal government, and nothing in this section shall 5206
prevent the transfer of a student's record to an educational 5207
institution for a legitimate educational purpose. However, 5208
except as provided in this section, public school records shall 5209
not be released or made available for any other purpose. 5210
Fingerprints, photographs, or records obtained pursuant to 5211
section 3313.96 or 3319.322 of the Revised Code, or pursuant to 5212
division (E) of this section, or any medical, psychological, 5213
guidance, counseling, or other information that is derived from 5214
the use of the fingerprints, photographs, or records, shall not 5215
be admissible as evidence against the minor who is the subject 5216
of the fingerprints, photographs, or records in any proceeding 5217
in any court. The provisions of this division regarding the 5218
administrative use of records by an employee of the state or any 5219
of its political subdivisions or of a court or the federal 5220
government shall be applicable only when the use of the 5221
information is required by a state statute adopted before 5222
November 19, 1974, or by federal law. 5223

(D) A board of education may require, subject to division 5224
(E) of this section, a person seeking to obtain copies of public 5225
school records to pay the cost of reproduction and, in the case 5226
of data released under division (B)(2)(b) of this section, to 5227
pay for any mailing costs, which payment shall not exceed the 5228
actual cost to the school. 5229

(E) A principal or chief administrative officer of a 5230
public school, or any employee of a public school who is 5231
authorized to handle school records, shall provide access to a 5232
student's records to a law enforcement officer who indicates 5233
that the officer is conducting an investigation and that the 5234
student is or may be a missing child, as defined in section 5235
2901.30 of the Revised Code. Free copies of information in the 5236
student's record shall be provided, upon request, to the law 5237
enforcement officer, if prior approval is given by the student's 5238
parent, guardian, or legal custodian. Information obtained by 5239
the officer shall be used solely in the investigation of the 5240
case. The information may be used by law enforcement agency 5241
personnel in any manner that is appropriate in solving the case, 5242
including, but not limited to, providing the information to 5243
other law enforcement officers and agencies and to the bureau of 5244
criminal identification and investigation for purposes of 5245
computer integration pursuant to section 2901.30 of the Revised 5246
Code. 5247

(F) No person shall release to a parent of a student who 5248
is not the student's residential parent or to any other person, 5249
or permit a parent of a student who is not the student's 5250
residential parent or permit any other person to have access to, 5251
any information about the location of any elementary or 5252
secondary school to which a student has transferred or 5253
information that would enable the parent who is not the 5254
student's residential parent or the other person to determine 5255
the location of that elementary or secondary school, if the 5256
elementary or secondary school to which the student has 5257
transferred and that requested the records of the student under 5258
section 3313.672 of the Revised Code informs the elementary or 5259
secondary school from which the student's records are obtained 5260

that the student is under the care of a shelter for victims of 5261
domestic violence, as defined in section 3113.33 of the Revised 5262
Code. 5263

(G) A principal or chief administrative officer of a 5264
public school, or any employee of a public school who is 5265
authorized to handle school records, shall comply with any order 5266
issued pursuant to division (D) (1) of section 2151.14 of the 5267
Revised Code, any request for records that is properly made 5268
pursuant to division (D) (3) (a) of section 2151.14 or division 5269
(A) of section 2151.141 of the Revised Code, and any 5270
determination that is made by a court pursuant to division (D) 5271
(3) (b) of section 2151.14 or division (B) (1) of section 2151.141 5272
of the Revised Code. 5273

(H) Notwithstanding any provision of this section, a 5274
principal of a public school, to the extent permitted by the 5275
"Family Educational Rights and Privacy Act of 1974," shall make 5276
the report required in section 3319.45 of the Revised Code that 5277
a pupil committed any violation listed in division (A) of 5278
section 3313.662 of the Revised Code on property owned or 5279
controlled by, or at an activity held under the auspices of, the 5280
board of education, regardless of whether the pupil was sixteen 5281
years of age or older. The principal is not required to obtain 5282
the consent of the pupil who is the subject of the report or the 5283
consent of the pupil's parent, guardian, or custodian before 5284
making a report pursuant to section 3319.45 of the Revised Code. 5285

Sec. 3333.26. (A) Any citizen of this state who has 5286
resided within the state for one year, who was in the active 5287
service of the United States as a soldier, sailor, nurse, or 5288
marine between April 6, 1917, and November 11, 1918, and who has 5289
been honorably discharged from that service, shall be admitted 5290

to any school, college, or university that receives state funds 5291
in support thereof, without being required to pay any tuition or 5292
matriculation fee, but is not relieved from the payment of 5293
laboratory or similar fees. 5294

(B) (1) As used in this section: 5295

(a) "Volunteer firefighter" has the meaning as in division 5296
(B) (1) of section 146.01 of the Revised Code. 5297

(b) "Public service officer" means an Ohio firefighter, 5298
volunteer firefighter, police officer, member of the state 5299
highway patrol, employee designated to exercise the powers of 5300
police officers pursuant to section 1545.13 of the Revised Code, 5301
or other peace officer as defined by division (B) of section 5302
2935.01 of the Revised Code, or a person holding any equivalent 5303
position in another state. 5304

(c) "Qualified former spouse" means the former spouse of a 5305
public service officer, or of a member of the armed services of 5306
the United States, who is the custodial parent of a minor child 5307
of that marriage pursuant to an order allocating the parental 5308
rights and responsibilities for care of the child issued 5309
pursuant to section ~~3109.04~~ 3109.0412, 3109.0413, 3109.0424, 5310
3109.0425, or 3109.0426 of the Revised Code. 5311

(d) "Operation enduring freedom" means that period of 5312
conflict which began October 7, 2001, and ends on a date 5313
declared by the president of the United States or the congress. 5314

(e) "Operation Iraqi freedom" means that period of 5315
conflict which began March 20, 2003, and ends on a date declared 5316
by the president of the United States or the congress. 5317

(f) "Combat zone" means an area that the president of the 5318
United States by executive order designates, for purposes of 26 5319

U.S.C. 112, as an area in which armed forces of the United States are or have engaged in combat. 5320
5321

(2) Subject to division (D) of this section, any resident of this state who is under twenty-six years of age, or under thirty years of age if the resident has been honorably discharged from the armed services of the United States, who is the child of a public service officer killed in the line of duty or of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level, or a certificate program as prescribed under division (E) of this section. 5322
5323
5324
5325
5326
5327
5328
5329
5330
5331
5332
5333
5334
5335
5336

A child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom is eligible for a waiver of tuition and student fees under this division only if the student is not eligible for a war orphans and severely disabled veterans' children scholarship authorized by Chapter 5910. of the Revised Code. In any year in which the war orphans and severely disabled veterans' children scholarship board reduces the percentage of tuition covered by a war orphans and severely disabled veterans' children scholarship below one hundred per cent pursuant to division (A) of section 5910.04 of the Revised Code, the waiver of tuition and student fees under this division for a child of a member of the armed services of the United States killed in the line of duty during operation enduring 5337
5338
5339
5340
5341
5342
5343
5344
5345
5346
5347
5348
5349
5350

freedom or operation Iraqi freedom shall be reduced by the same 5351
percentage. 5352

(3) Subject to division (D) of this section, any resident 5353
of this state who is the spouse or qualified former spouse of a 5354
public service officer killed in the line of duty, and who is 5355
admitted to any state university or college as defined in 5356
division (A)(1) of section 3345.12 of the Revised Code, 5357
community college, state community college, university branch, 5358
or technical college, shall not be required to pay any tuition 5359
or any student fee for up to four academic years of education, 5360
which shall be at the undergraduate level, or a certificate 5361
program as prescribed under division (E) of this section. 5362

(4) Any resident of this state who is the spouse or 5363
qualified former spouse of a member of the armed services of the 5364
United States killed in the line of duty while serving in a 5365
combat zone after May 7, 1975, and who is admitted to any state 5366
university or college as defined in division (A)(1) of section 5367
3345.12 of the Revised Code, community college, state community 5368
college, university branch, or technical college, shall not be 5369
required to pay any tuition or any student fee for up to four 5370
years of academic education, which shall be at the undergraduate 5371
level, or a certificate program as prescribed under division (E) 5372
of this section. In order to qualify under division (B)(4) of 5373
this section, the spouse or qualified former spouse shall have 5374
been a resident of this state at the time the member was killed 5375
in the line of duty. 5376

(C) Any institution that is not subject to division (B) of 5377
this section and that holds a valid certificate of registration 5378
issued under Chapter 3332. of the Revised Code, a valid 5379
certificate issued under Chapter 4709. of the Revised Code, or a 5380

valid license issued under Chapter 4713. of the Revised Code, or 5381
that is nonprofit and has a certificate of authorization issued 5382
under section 1713.02 of the Revised Code, or that is a private 5383
institution exempt from regulation under Chapter 3332. of the 5384
Revised Code as prescribed in section 3333.046 of the Revised 5385
Code, which reduces tuition and student fees of a student who is 5386
eligible to attend an institution of higher education under the 5387
provisions of division (B) of this section by an amount 5388
indicated by the chancellor of higher education shall be 5389
eligible to receive a grant in that amount from the chancellor. 5390

Each institution that enrolls students under division (B) 5391
of this section shall report to the chancellor, by the first day 5392
of July of each year, the number of students who were so 5393
enrolled and the average amount of all such tuition and student 5394
fees waived during the preceding year. The chancellor shall 5395
determine the average amount of all such tuition and student 5396
fees waived during the preceding year. The average amount of the 5397
tuition and student fees waived under division (B) of this 5398
section during the preceding year shall be the amount of grants 5399
that participating institutions shall receive under this 5400
division during the current year, but no grant under this 5401
division shall exceed the tuition and student fees due and 5402
payable by the student prior to the reduction referred to in 5403
this division. The grants shall be made for two certificate 5404
programs or four years of undergraduate education of an eligible 5405
student. 5406

(D) Notwithstanding anything to the contrary in section 5407
3333.31 of the Revised Code, for the purposes of divisions (B) 5408
(2) and (3) of this section, the child, spouse, or qualified 5409
former spouse of a public service officer or a member of the 5410
armed services of the United States killed in the line of duty 5411

shall be considered a resident of this state for the purposes of 5412
this section if the child, spouse, or qualified former spouse 5413
was a resident of this state at the time that the public service 5414
officer or member of the armed services was killed. 5415

However, no child, spouse, or qualified former spouse of a 5416
public service officer or a member of the armed services of the 5417
United States killed in the line of duty shall be required to be 5418
a resident of this state at the time the public service officer 5419
or member of the armed services of the United States was killed 5420
in order to receive benefits under divisions (B) (2) and (3) of 5421
this section. 5422

(E) A child, spouse, or qualified former spouse of a 5423
public service officer or a member of the armed services killed 5424
in the line of duty shall receive benefits for a certificate 5425
program in accordance with division (B) or (C) of this section, 5426
except that a particular child, spouse, or qualified former 5427
spouse shall not receive benefits for: 5428

(1) More than two certificate programs; 5429

(2) A total number of academic credits or instructional 5430
hours equivalent to more than four academic years; 5431

(3) For any particular academic year, an amount that is 5432
greater than eight thousand dollars. 5433

Sec. 3796.24. (A) The holder of a license, as defined in 5434
section 4776.01 of the Revised Code, is not subject to 5435
professional disciplinary action solely for engaging in 5436
professional or occupational activities related to medical 5437
marijuana. 5438

(B) Unless there is clear and convincing evidence that a 5439
child is unsafe, the use, possession, or administration of 5440

medical marijuana in accordance with this chapter shall not be 5441
the sole or primary basis for any of the following: 5442

(1) An adjudication under section 2151.28 of the Revised 5443
Code determining that a child is an abused, neglected, or 5444
dependent child; 5445

(2) An allocation of parental rights and responsibilities 5446
under section ~~3109.04~~3109.0412, 3109.0413, 3109.0424, 5447
3109.0425, or 3109.0426 of the Revised Code; 5448

(3) A parenting time order under section ~~3109.051~~3109.0451 or 3109.12 of the Revised Code. 5449
5450

(C) Notwithstanding any conflicting provision of the 5451
Revised Code, the use or possession of medical marijuana in 5452
accordance with this chapter shall not be used as a reason for 5453
disqualifying a patient from medical care or from including a 5454
patient on a transplant waiting list. 5455

(D) Notwithstanding any conflicting provision of the 5456
Revised Code, the use, possession, administration, cultivation, 5457
processing, testing, or dispensing of medical marijuana in 5458
accordance with this chapter shall not be used as the sole or 5459
primary reason for taking action under any criminal or civil 5460
statute in the forfeiture or seizure of any property or asset. 5461

(E) Notwithstanding any conflicting provision of the 5462
Revised Code, a person's status as a registered patient or 5463
caregiver is not a sufficient basis for conducting a field 5464
sobriety test on the person or for suspending the person's 5465
driver's license. To conduct any field sobriety test, a law 5466
enforcement officer must have an independent, factual basis 5467
giving reasonable suspicion that the person is operating a 5468
vehicle under the influence of marijuana or with a prohibited 5469

concentration of marijuana in the person's whole blood, blood	5470
serum, plasma, breath, or urine.	5471
(F) Notwithstanding any conflicting provision of the	5472
Revised Code, a person's status as a registered patient or	5473
caregiver shall not be used as the sole or primary basis for	5474
rejecting the person as a tenant unless the rejection is	5475
required by federal law.	5476
(G) This chapter does not do any of the following:	5477
(1) Require a physician to recommend that a patient use	5478
medical marijuana to treat a qualifying medical condition;	5479
(2) Permit the use, possession, or administration of	5480
medical marijuana other than as authorized by this chapter;	5481
(3) Permit the use, possession, or administration of	5482
medical marijuana on federal land located in this state;	5483
(4) Require any public place to accommodate a registered	5484
patient's use of medical marijuana;	5485
(5) Prohibit any public place from accommodating a	5486
registered patient's use of medical marijuana;	5487
(6) Restrict research related to marijuana conducted at a	5488
state university, academic medical center, or private research	5489
and development organization as part of a research protocol	5490
approved by an institutional review board or equivalent entity.	5491
Sec. 5104.039. (A) Any parent who is the residential	5492
parent and legal custodian of a child enrolled in a child day-	5493
care center and any custodian or guardian of such a child shall	5494
be permitted unlimited access to the center during its hours of	5495
operation for the purposes of contacting their children,	5496
evaluating the care provided by the center, evaluating the	5497

premises of the center, or for other purposes approved by the 5498
director. A parent of a child enrolled in a child day-care 5499
center who is not the child's residential parent shall be 5500
permitted unlimited access to the center during its hours of 5501
operation for those purposes under the same terms and conditions 5502
under which the residential parent of that child is permitted 5503
access to the center for those purposes. However, the access of 5504
the parent who is not the residential parent is subject to any 5505
agreement between the parents and, to the extent described in 5506
division (B) of this section, is subject to any terms and 5507
conditions limiting the right of access of the parent who is not 5508
the residential parent, as described in ~~division (I) of section~~ 5509
~~3109.051~~ 3109.0462 of the Revised Code, that are contained in a 5510
parenting time order or decree issued under that section, 5511
section 3109.12 of the Revised Code, or any other provision of 5512
the Revised Code. 5513

(B) If a parent who is the residential parent of a child 5514
has presented the administrator or the administrator's designee 5515
with a copy of a parenting time order that limits the terms and 5516
conditions under which the parent who is not the residential 5517
parent is to have access to the center, as described in ~~division~~ 5518
~~(I) of section 3109.051~~ 3109.0462 of the Revised Code, the 5519
parent who is not the residential parent shall be provided 5520
access to the center only to the extent authorized in the order. 5521
If the residential parent has presented such an order, the 5522
parent who is not the residential parent shall be permitted 5523
access to the center only in accordance with the most recent 5524
order that has been presented to the administrator or the 5525
administrator's designee by the residential parent or the parent 5526
who is not the residential parent. 5527

(C) Upon entering the premises pursuant to division (A) or 5528

(B) of this section, the parent who is the residential parent 5529
and legal custodian, the parent who is not the residential 5530
parent, or the custodian or guardian shall notify the 5531
administrator or the administrator's designee of the parent's, 5532
custodian's, or guardian's presence. 5533

Sec. 5120.653. An inmate's participation in the prison 5534
nursery program may be terminated by the department of 5535
rehabilitation and correction if one of the following occurs: 5536

(A) The inmate fails to comply with the agreement entered 5537
into under division (A) of section 5120.652 of the Revised Code. 5538

(B) The inmate's child becomes seriously ill, cannot meet 5539
medical criteria established by the department of rehabilitation 5540
and correction for the program, or otherwise cannot safely 5541
participate in the program. 5542

(C) A court issues an order that designates a person other 5543
than the inmate as the child's residential parent and legal 5544
custodian. 5545

(D) A juvenile court, in an action brought pursuant to 5546
division (A) (2) of section 2151.23 of the Revised Code, grants 5547
custody of the child to a person other than the inmate. 5548

(E) ~~An A shared parenting order or order under section~~ 5549
~~3109.0426 of the Revised Code is issued pursuant to section~~ 5550
~~3109.04 of the Revised Code granting shared parenting of~~ 5551
~~regarding the child.~~ 5552

(F) An order of disposition regarding the child is issued 5553
pursuant to division (A) (2), (3), or (4) of section 2151.353 of 5554
the Revised Code granting temporary, permanent, or legal custody 5555
of the child to a person, other than the inmate, or to a public 5556
children services agency or private child placing agency. 5557

(G) The inmate is released from imprisonment.	5558
Sec. 5153.16. (A) Except as provided in section 2151.422	5559
of the Revised Code, in accordance with rules adopted under	5560
section 5153.166 of the Revised Code, and on behalf of children	5561
in the county whom the public children services agency considers	5562
to be in need of public care or protective services, the public	5563
children services agency shall do all of the following:	5564
(1) Make an investigation concerning any child alleged to	5565
be an abused, neglected, or dependent child;	5566
(2) Enter into agreements with the parent, guardian, or	5567
other person having legal custody of any child, or with the	5568
department of job and family services, department of mental	5569
health and addiction services, department of developmental	5570
disabilities, other department, any certified organization	5571
within or outside the county, or any agency or institution	5572
outside the state, having legal custody of any child, with	5573
respect to the custody, care, or placement of any child, or with	5574
respect to any matter, in the interests of the child, provided	5575
the permanent custody of a child shall not be transferred by a	5576
parent to the public children services agency without the	5577
consent of the juvenile court;	5578
(3) Accept custody of children committed to the public	5579
children services agency by a court exercising juvenile	5580
jurisdiction;	5581
(4) Provide such care as the public children services	5582
agency considers to be in the best interests of any child	5583
adjudicated to be an abused, neglected, or dependent child the	5584
agency finds to be in need of public care or service;	5585
(5) Provide social services to any unmarried girl	5586

adjudicated to be an abused, neglected, or dependent child who	5587
is pregnant with or has been delivered of a child;	5588
(6) Make available to the bureau for children with medical	5589
handicaps of the department of health at its request any	5590
information concerning a crippled child found to be in need of	5591
treatment under sections 3701.021 to 3701.028 of the Revised	5592
Code who is receiving services from the public children services	5593
agency;	5594
(7) Provide temporary emergency care for any child	5595
considered by the public children services agency to be in need	5596
of such care, without agreement or commitment;	5597
(8) Find certified foster homes, within or outside the	5598
county, for the care of children, including handicapped children	5599
from other counties attending special schools in the county;	5600
(9) Subject to the approval of the board of county	5601
commissioners and the state department of job and family	5602
services, establish and operate a training school or enter into	5603
an agreement with any municipal corporation or other political	5604
subdivision of the county respecting the operation, acquisition,	5605
or maintenance of any children's home, training school, or other	5606
institution for the care of children maintained by such	5607
municipal corporation or political subdivision;	5608
(10) Acquire and operate a county children's home,	5609
establish, maintain, and operate a receiving home for the	5610
temporary care of children, or procure certified foster homes	5611
for this purpose;	5612
(11) Enter into an agreement with the trustees of any	5613
district children's home, respecting the operation of the	5614
district children's home in cooperation with the other county	5615

boards in the district; 5616

(12) Cooperate with, make its services available to, and 5617
act as the agent of persons, courts, the department of job and 5618
family services, the department of health, and other 5619
organizations within and outside the state, in matters relating 5620
to the welfare of children, except that the public children 5621
services agency shall not be required to provide supervision of 5622
or other services related to the exercise of parenting time 5623
rights granted pursuant to section ~~3109.051~~3109.0451 or 3109.12 5624
of the Revised Code or companionship or visitation rights 5625
granted pursuant to section ~~3109.051~~3109.0452, 3109.11, or 5626
3109.12 of the Revised Code unless a juvenile court, pursuant to 5627
Chapter 2151. of the Revised Code, or a common pleas court, 5628
pursuant to division (E) (6) of section 3113.31 of the Revised 5629
Code, requires the provision of supervision or other services 5630
related to the exercise of the parenting time rights or 5631
companionship or visitation rights; 5632

(13) Make investigations at the request of any 5633
superintendent of schools in the county or the principal of any 5634
school concerning the application of any child adjudicated to be 5635
an abused, neglected, or dependent child for release from 5636
school, where such service is not provided through a school 5637
attendance department; 5638

(14) Administer funds provided under Title IV-E of the 5639
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 5640
amended, in accordance with rules adopted under section 5101.141 5641
of the Revised Code; 5642

(15) In addition to administering Title IV-E adoption 5643
assistance funds, enter into agreements to make adoption 5644
assistance payments under section 5153.163 of the Revised Code; 5645

(16) Implement a system of safety and risk assessment, in 5646
accordance with rules adopted by the director of job and family 5647
services, to assist the public children services agency in 5648
determining the risk of abuse or neglect to a child; 5649

(17) Enter into a plan of cooperation with the board of 5650
county commissioners under section 307.983 of the Revised Code 5651
and comply with each fiscal agreement the board enters into 5652
under section 307.98 of the Revised Code that include family 5653
services duties of public children services agencies and 5654
contracts the board enters into under sections 307.981 and 5655
307.982 of the Revised Code that affect the public children 5656
services agency; 5657

(18) Make reasonable efforts to prevent the removal of an 5658
alleged or adjudicated abused, neglected, or dependent child 5659
from the child's home, eliminate the continued removal of the 5660
child from the child's home, or make it possible for the child 5661
to return home safely, except that reasonable efforts of that 5662
nature are not required when a court has made a determination 5663
under division (A) (2) of section 2151.419 of the Revised Code; 5664

(19) Make reasonable efforts to place the child in a 5665
timely manner in accordance with the permanency plan approved 5666
under division (E) of section 2151.417 of the Revised Code and 5667
to complete whatever steps are necessary to finalize the 5668
permanent placement of the child; 5669

(20) Administer a Title IV-A program identified under 5670
division (A) (4) (c) or (g) of section 5101.80 of the Revised Code 5671
that the department of job and family services provides for the 5672
public children services agency to administer under the 5673
department's supervision pursuant to section 5101.801 of the 5674
Revised Code; 5675

(21) Administer the kinship permanency incentive program	5676
created under section 5101.802 of the Revised Code under the	5677
supervision of the director of job and family services;	5678
(22) Provide independent living services pursuant to	5679
sections 2151.81 to 2151.84 of the Revised Code;	5680
(23) File a missing child report with a local law	5681
enforcement agency upon becoming aware that a child in the	5682
custody of the public children services agency is or may be	5683
missing.	5684
(B) The public children services agency shall use the	5685
system implemented pursuant to division (A) (16) of this section	5686
in connection with an investigation undertaken pursuant to	5687
division (G) (1) of section 2151.421 of the Revised Code to	5688
assess both of the following:	5689
(1) The ongoing safety of the child;	5690
(2) The appropriateness of the intensity and duration of	5691
the services provided to meet child and family needs throughout	5692
the duration of a case.	5693
(C) Except as provided in section 2151.422 of the Revised	5694
Code, in accordance with rules of the director of job and family	5695
services, and on behalf of children in the county whom the	5696
public children services agency considers to be in need of	5697
public care or protective services, the public children services	5698
agency may do the following:	5699
(1) Provide or find, with other child serving systems,	5700
specialized foster care for the care of children in a	5701
specialized foster home, as defined in section 5103.02 of the	5702
Revised Code, certified under section 5103.03 of the Revised	5703
Code;	5704

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:

(i) County departments of job and family services;

(ii) Boards of alcohol, drug addiction, and mental health services;

(iii) County boards of developmental disabilities;

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;

(v) Private and government providers of services;

(vi) Managed care organizations and prepaid health plans.

(b) A public children services agency contract under division (C) (2) (a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.

(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C) (2) (a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.

Section 2. That existing sections 2151.23, 2317.02, 2705.031, 2710.05, 2710.06, 3105.21, 3105.63, 3105.65, 3109.04, 3109.042, 3109.043, 3109.05, 3109.052, 3109.053, 3109.06, 3109.061, 3109.09, 3109.11, 3109.12, 3109.41, 3109.53, 3109.55,

3109.56, 3109.65, 3113.31, 3119.01, 3119.08, 3119.24, 3119.964, 5733
3310.51, 3313.98, 3319.321, 3333.26, 3796.24, 5104.039, 5734
5120.653, and 5153.16 of the Revised Code are hereby repealed. 5735

Section 3. That sections 3109.041 and 3109.051 of the 5736
Revised Code are hereby repealed. 5737