

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 325**

**Senators Gavarone, Hicks-Hudson**



**A BILL**

To amend sections 109.65, 313.121, 1713.55, 1  
1733.242, 2108.81, 2111.08, 2151.011, 2151.23, 2  
2151.33, 2151.90, 2301.03, 2307.50, 2317.02, 3  
2701.03, 2705.031, 2901.30, 3101.041, 3105.011, 4  
3105.21, 3105.63, 3105.65, 3109.03, 3109.04, 5  
3109.043, 3109.05, 3109.051, 3109.052, 3109.054, 6  
3109.055, 3109.06, 3109.061, 3109.09, 3109.11, 7  
3109.12, 3109.401, 3109.41, 3109.42, 3109.43, 8  
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3109.60, 3109.65, 3109.66, 3109.68, 3109.74, 11  
3111.13, 3111.26, 3111.381, 3113.31, 3119.01, 12  
3119.06, 3119.07, 3119.08, 3119.24, 3119.82, 13  
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3313.205, 3313.64, 3313.666, 3313.672, 3313.712, 16  
3313.96, 3313.98, 3319.321, 3321.01, 3323.143, 17  
3328.01, 3332.25, 3333.26, 3345.85, 3701.503, 18  
3780.33, 3796.24, 3902.13, 3924.47, 5104.017, 19  
5104.018, 5104.039, 5107.02, 5120.652, 5120.653, 20  
5123.01, 5153.16, and 5180.14; to amend, for the 21  
purpose of adopting new section numbers as 22  
indicated in parentheses, sections 3109.043 23  
(3109.0497), 3109.051 (3109.0515), 3109.054 24

(3109.0550), and 3109.055 (3109.0570); to enact 25  
new sections 3109.041, 3109.042, 3109.054, and 26  
3109.055 and sections 3109.044, 3109.045, 27  
3109.046, 3109.047, 3109.048, 3109.049, 28  
3109.0410, 3109.0411, 3109.0412, 3109.0414, 29  
3109.0415, 3109.0416, 3109.0417, 3109.0418, 30  
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3109.0424, 3109.0425, 3109.0426, 3109.0428, 32  
3109.0430, 3109.0432, 3109.0433, 3109.0434, 33  
3109.0435, 3109.0436, 3109.0439, 3109.0440, 34  
3109.0441, 3109.0442, 3109.0445, 3109.0446, 35  
3109.0447, 3109.0448, 3109.0449, 3109.0450, 36  
3109.0451, 3109.0452, 3109.0453, 3109.0455, 37  
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3109.0466, 3109.0467, 3109.0468, 3109.0470, 40  
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3109.0493, 3109.0499, 3109.056, 3109.057, 46  
3109.058, 3109.059, 3109.0510, 3109.0511, 47  
3109.0512, 3109.0513, 3109.0516, 3109.0517, 48  
3109.0518, 3109.0519, 3109.0521, 3109.0522, 49  
3109.0523, 3109.0524, 3109.0526, 3109.0527, 50  
3109.0528, 3109.0529, and 3119.071; and to 51  
repeal sections 3109.041, 3109.042, and 3109.053 52  
of the Revised Code regarding the allocation of 53  
parenting responsibilities in a parenting plan. 54

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

**Section 1.** That sections 109.65, 313.121, 1713.55, 55  
1733.242, 2108.81, 2111.08, 2151.011, 2151.23, 2151.33, 2151.90, 56  
2301.03, 2307.50, 2317.02, 2701.03, 2705.031, 2901.30, 3101.041, 57  
3105.011, 3105.21, 3105.63, 3105.65, 3109.03, 3109.04, 3109.043, 58  
3109.05, 3109.051, 3109.052, 3109.054, 3109.055, 3109.06, 59  
3109.061, 3109.09, 3109.11, 3109.12, 3109.401, 3109.41, 3109.42, 60  
3109.43, 3109.44, 3109.47, 3109.48, 3109.50, 3109.51, 3109.52, 61  
3109.53, 3109.55, 3109.56, 3109.58, 3109.60, 3109.65, 3109.66, 62  
3109.68, 3109.74, 3111.13, 3111.26, 3111.381, 3113.31, 3119.01, 63  
3119.06, 3119.07, 3119.08, 3119.24, 3119.82, 3119.87, 3119.964, 64  
3125.03, 3125.06, 3125.43, 3127.01, 3127.11, 3127.23, 3127.35, 65  
3310.51, 3313.205, 3313.64, 3313.666, 3313.672, 3313.712, 66  
3313.96, 3313.98, 3319.321, 3321.01, 3323.143, 3328.01, 3332.25, 67  
3333.26, 3345.85, 3701.503, 3780.33, 3796.24, 3902.13, 3924.47, 68  
5104.017, 5104.018, 5104.039, 5107.02, 5120.652, 5120.653, 69  
5123.01, 5153.16, and 5180.14 be amended; sections 3109.043 70  
(3109.0497), 3109.051 (3109.0515), 3109.054 (3109.0550), and 71  
3109.055 (3109.0570) be amended for the purpose of adopting new 72  
section numbers as indicated in parentheses; and new sections 73  
3109.041, 3109.042, 3109.054, and 3109.055 and sections 74  
3109.044, 3109.045, 3109.046, 3109.047, 3109.048, 3109.049, 75  
3109.0410, 3109.0411, 3109.0412, 3109.0414, 3109.0415, 76  
3109.0416, 3109.0417, 3109.0418, 3109.0419, 3109.0420, 77  
3109.0422, 3109.0423, 3109.0424, 3109.0425, 3109.0426, 78  
3109.0428, 3109.0430, 3109.0432, 3109.0433, 3109.0434, 79  
3109.0435, 3109.0436, 3109.0439, 3109.0440, 3109.0441, 80  
3109.0442, 3109.0445, 3109.0446, 3109.0447, 3109.0448, 81  
3109.0449, 3109.0450, 3109.0451, 3109.0452, 3109.0453, 82  
3109.0455, 3109.0456, 3109.0457, 3109.0458, 3109.0459, 83

3109.0461, 3109.0462, 3109.0463, 3109.0465, 3109.0466, 84  
3109.0467, 3109.0468, 3109.0470, 3109.0471, 3109.0472, 85  
3109.0473, 3109.0474, 3109.0475, 3109.0476, 3109.0477, 86  
3109.0478, 3109.0479, 3109.0482, 3109.0483, 3109.0484, 87  
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3109.0490, 3109.0491, 3109.0492, 3109.0493, 3109.0499, 3109.056, 89  
3109.057, 3109.058, 3109.059, 3109.0510, 3109.0511, 3109.0512, 90  
3109.0513, 3109.0516, 3109.0517, 3109.0518, 3109.0519, 91  
3109.0521, 3109.0522, 3109.0523, 3109.0524, 3109.0526, 92  
3109.0527, 3109.0528, 3109.0529, and 3119.071 of the Revised 93  
Code be enacted to read as follows: 94

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

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

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

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

(a) Assistance in the preparation and dissemination of flyers identifying and describing missing children and their abductors;	113 114 115
(b) The development of informational forms for the reporting of missing children that may be used by parents, guardians, and law enforcement officials to facilitate the location of a missing child;	116 117 118 119
(c) The provision of assistance to public and private organizations, boards of education, nonpublic schools, preschools, child care facilities, and law enforcement agencies in planning and implementing voluntary programs to fingerprint children.	120 121 122 123 124
(2) The establishment and operation of a toll-free telephone line for supplemental reports of missing children and reports of sightings of missing children;	125 126 127
(3) Upon the request of any person or entity and upon payment of any applicable fee established by the attorney general under division (H) of this section, the provision to the person or entity who makes the request of a copy of any information possessed by the clearinghouse that was acquired or prepared pursuant to division (E) (3) of this section;	128 129 130 131 132 133
(4) The performance of liaison services between individuals and public and private agencies regarding procedures for handling and responding to missing children reports;	134 135 136
(5) The participation as a member in any networks of other missing children centers or clearinghouses;	137 138
(6) The creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing children.	139 140 141

(D) If a board of education is notified by school 142  
personnel that a missing child is attending any school under the 143  
board's jurisdiction, or if the principal or chief 144  
administrative officer of a nonpublic school is notified by 145  
school personnel that a missing child is attending that school, 146  
the board or the principal or chief administrative officer 147  
immediately shall give notice of that fact to the missing 148  
children clearinghouse and to the law enforcement agency with 149  
jurisdiction over the area where the missing child resides. 150

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

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

Upon the request of any board of education in this state 168  
or any nonpublic school in this state that, pursuant to section 169  
3313.96 of the Revised Code, is developing an information 170  
program concerning missing children issues and matters, the 171

missing child educational program shall provide to the board or	172
nonpublic school assistance in developing the information	173
program. The assistance may include, but is not limited to, the	174
provision of any or all of the following:	175
(a) If the requesting entity is a board of education of a	176
school district, sample policies on missing and exploited	177
children issues to assist the board in complying with section	178
3313.205 of the Revised Code;	179
(b) Suggested safety curricula regarding missing children	180
issues, including child safety and abduction prevention issues;	181
(c) Assistance in developing, with local law enforcement	182
agencies, prosecuting attorneys, boards of education, school	183
districts, and nonpublic schools, cooperative programs for	184
fingerprinting children;	185
(d) Other assistance to further the goals of the program.	186
(3) The missing child educational program shall acquire or	187
prepare informational materials relating to missing children	188
issues and matters. These issues and matters include, but are	189
not limited to, the following:	190
(a) The types of missing children;	191
(b) The reasons why and how minors become missing	192
children, the potential adverse consequences of a minor becoming	193
a missing child, and, in the case of minors who are considering	194
running away from home or from the care, custody, and control of	195
their parents, parent who is the <del>residential-designated</del> parent	196
and legal custodian, guardian, legal custodian, or another	197
person responsible for them, alternatives that may be available	198
to address their concerns and problems;	199

(c) Offenses under federal law that could relate to	200
missing children and other provisions of federal law that focus	201
on missing children;	202
(d) Offenses under the Revised Code that could relate to	203
missing children, including, but not limited to, kidnapping,	204
abduction, unlawful restraint, child stealing, interference with	205
custody, endangering children, domestic violence, abuse of a	206
child and contributing to the dependency, neglect, unruliness,	207
or delinquency of a child, sexual offenses, drug offenses,	208
prostitution offenses, and obscenity offenses, and other	209
provisions of the Revised Code that could relate to missing	210
children;	211
(e) Legislation being considered by the general assembly,	212
legislatures of other states, the congress of the United States,	213
and political subdivisions in this or any other state to address	214
missing children issues;	215
(f) Sources of information on missing children issues;	216
(g) State, local, federal, and private systems for	217
locating and identifying missing children;	218
(h) Law enforcement agency programs, responsibilities, and	219
investigative techniques in missing children matters;	220
(i) Efforts on the community level in this and other	221
states, concerning missing children issues and matters, by	222
governmental entities and private organizations;	223
(j) The identification of private organizations that,	224
among their primary objectives, address missing children issues	225
and matters;	226
(k) How to avoid becoming a missing child and what to do	227



if one becomes a missing child; 228

(1) Efforts that schools, parents, and members of a 229  
community can undertake to reduce the risk that a minor will 230  
become a missing child and to quickly locate or identify a minor 231  
if he becomes a missing child, including, but not limited to, 232  
fingerprinting programs. 233

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

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

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

fee into the missing children fund created by division (I) of 258  
this section. 259

(I) There is hereby created in the state treasury the 260  
missing children fund that shall consist of all moneys awarded 261  
to the state by donation, gift, or bequest, all other moneys 262  
received for purposes of this section, and all fees collected 263  
pursuant to this section or section 109.64 of the Revised Code. 264  
The attorney general shall use the moneys in the missing 265  
children fund only for purposes of the office of the attorney 266  
general acquiring or preparing information pursuant to division 267  
(E) (3) of this section. 268

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

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

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

If the child was one year of age or younger at the time of death and the death occurred suddenly and unexpectedly, the cause of which is not immediately obvious prior to investigation, the coroner, deputy coroner, or other individual who has been designated to investigate the child's death shall complete a sudden unexplained infant death investigation reporting form (SUIDI reporting form) developed by the United States centers for disease control and prevention or an alternative reporting form. The director of health may develop an alternative reporting form in consultation with the Ohio state coroners association. The individual who completes the reporting form shall retain the form and send a copy of it to the appropriate child fatality review board or regional child fatality review board established under section 307.621 of the Revised Code. If a coroner or deputy coroner completes the reporting form, a copy of the coroner's report described in section 313.09 of the Revised Code shall also be sent to the board.

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

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

beliefs of the child. 319

(D) If the child's parent makes a written or verbal 320  
request for the preliminary results of the autopsy after the 321  
results are available, the coroner, or a person designated by 322  
the coroner, shall give the parent an oral statement of the 323  
preliminary results. 324

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

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

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

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

(3) When it is notified by the coroner that, pursuant to 347

division (C) of this section, an autopsy was not performed. 348

(F) When a health district or department receives notice 349  
that the final result of an autopsy performed pursuant to this 350  
section concluded that the child died of sudden infant death 351  
syndrome or that, pursuant to division (C) of this section, an 352  
autopsy was not performed but sudden infant death syndrome may 353  
have been the cause of death, it shall offer the child's parent 354  
information about sudden infant death syndrome. The state 355  
department of health shall ensure that current information on 356  
sudden infant death syndrome is available for distribution by 357  
health districts and departments. 358

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

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

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

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

student.	377
(B) Beginning with the academic year that commences on or after July 1, 2005, a nonprofit institution of higher education shall not permit a student to reside in on-campus student housing unless the student, or, if the student is younger than eighteen years of age, the student's parent, discloses to the institution whether the student has been vaccinated against meningococcal meningitis and hepatitis B by submitting to the institution the meningitis and hepatitis B vaccination status statement described in division (B) of section 3701.133 of the Revised Code or a meningitis status statement form provided by the institution that meets the requirements of division (B) of section 3701.133 of the Revised Code. The statement may be submitted in written form or, if the institution has a secure web site, in electronic form.	378 379 380 381 382 383 384 385 386 387 388 389 390 391
(C) On receipt of an application for residence in on-campus student housing, a nonprofit institution of higher education shall do both of the following:	392 393 394
(1) Inform the student of the disclosure requirement;	395
(2) Provide the student in either written or, if the school has a secure web site, electronic form the meningitis and hepatitis B vaccination status statement described in division (B) of section 3701.133 of the Revised Code or a meningitis status statement form provided by the institution that meets the requirements of division (B) of section 3701.133 of the Revised Code.	396 397 398 399 400 401 402
(D) This section does not require an institution to provide or pay for a meningococcal meningitis or hepatitis B vaccination for any student.	403 404 405

<b>Sec. 1733.242.</b> (A) On the terms and conditions the credit union prescribes, a credit union may do all of the following:	406 407
(1) Provide safes, vaults, safe deposit boxes, night depositories, and other secure receptacles for the uses, purposes, and benefits of its members;	408 409 410
(2) Receive tangible property and evidence of tangible or intangible property for safekeeping using the credit union's safes, vaults, secure receptacles, or safekeeping system; the safes, vaults, secure receptacles, or safekeeping system of another credit union; or the safekeeping system of a safekeeping agent or custodian.	411 412 413 414 415 416
(B) (1) A credit union may enter into an agreement to rent a safe deposit box to a minor and accept the appointment of a minor as agent or deputy on any deposit or safe deposit box by any person, including a minor, maintaining the deposit or safe deposit box.	417 418 419 420 421
(2) When a credit union enters into a safe deposit box rental agreement with a minor pursuant to division (B) (1) of this section, all of the following apply:	422 423 424
(a) The terms and conditions of the safe deposit box rental agreement are binding on the minor the same as a person of legal age who rents a safe deposit box.	425 426 427
(b) The relationship between the credit union and the minor regarding the safe deposit box rental agreement is in all respects the same as if the minor were a person of legal age.	428 429 430
(c) The credit union shall incur no liability for any transaction regarding the safe deposit box solely because of doing business with a minor.	431 432 433

(3) Nothing in divisions (B) (1) and (2) of this section 434  
shall be construed to limit the parental rights and parenting 435  
responsibilities provided under section 2111.08 of the Revised 436  
Code or to limit the rights of a guardian appointed pursuant to 437  
Chapter 2111. of the Revised Code. 438

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

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

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

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

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

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

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



- (3) The deceased person's surviving parent or parents, 462  
subject to division (C) of this section; 463
- (4) The deceased person's surviving sibling, whether of 464  
the whole or of the half blood or, if there is more than one 465  
sibling of the whole or of the half blood, all of the surviving 466  
siblings, collectively; 467
- (5) The deceased person's surviving grandparent or 468  
grandparents; 469
- (6) The deceased person's surviving grandchild, or if 470  
there is more than one surviving grandchild, all of the 471  
surviving grandchildren collectively; 472
- (7) The lineal descendants of the deceased person's 473  
grandparents, as described in division (I) of section 2105.06 of 474  
the Revised Code; 475
- (8) The person who was the deceased person's guardian at 476  
the time of the deceased person's death, if a guardian had been 477  
appointed; 478
- (9) Any other person willing to assume the right of 479  
disposition, including the personal representative of the 480  
deceased person's estate or the licensed funeral director with 481  
custody of the deceased person's body, after attesting in 482  
writing that a good faith effort has been made to locate the 483  
persons in divisions (B) (1) to (8) of this section. 484
- (10) If the deceased person was an indigent person or 485  
other person the final disposition of whose body is the 486  
financial and statutory responsibility of the state or a 487  
political subdivision of this state, the public officer or 488  
employee responsible for arranging the final disposition of the 489  
remains of the deceased person. 490

(C) (1) If a parent was the ~~residential-designated~~ parent 491  
and legal custodian of the deceased person at the time the 492  
deceased person reached the age of majority, that parent's right 493  
of disposition for the deceased person shall take precedence 494  
over the parent who was not the ~~residential-designated~~ parent 495  
and legal custodian of the deceased person at that time. 496

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

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

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

**Sec. 2111.08.** The wife and husband are the joint natural 514  
guardians of their minor children and are equally charged with 515  
their care, nurture, welfare, and education and the care and 516  
management of their estates. The wife and husband have equal 517  
powers, rights, and duties and neither parent has any right 518  
paramount to the right of the other concerning the ~~parental-~~ 519  
~~rights and parenting responsibilities for the care of the minor-~~ 520

or the right to be the ~~residential-designated~~ parent and legal 521  
custodian of the minor, the control of the services or the 522  
earnings of such minor, or any other matter affecting the minor; 523  
provided that if either parent, to the exclusion of the other, 524  
is maintaining and supporting the child, that parent shall have 525  
the paramount right to control the services and earnings of the 526  
child. Neither parent shall forcibly take a child from the 527  
guardianship of the parent who is the ~~residential-designated~~ 528  
parent and legal custodian of the child. 529

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

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

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

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

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

(c) If division (A) (1) (a) or (b) of this section does not apply, the probate division of the court of common pleas.	550 551
(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.	552 553
(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.	554 555 556 557 558
(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of children and youth that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:	559 560 561 562 563 564
(a) Receives and cares for children for two or more consecutive weeks;	565 566
(b) Participates in the placement of children in certified foster homes;	567 568
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	569 570
(B) As used in this chapter:	571
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	572 573 574 575 576 577

(2) "Adult" means an individual who is eighteen years of age or older.	578 579
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	580 581 582 583
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	584 585 586 587 588 589
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	590 591 592
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.	593 594 595 596 597 598 599 600
(7) "Child day camp," "child care," "child care center," "part-time child care center," "type A family child care home," "licensed type B family child care home," "type B family child care home," "administrator of a child care center," "administrator of a type A family child care home," and "in-home aide" have the same meanings as in section 5104.01 of the	601 602 603 604 605 606

Revised Code. 607

(8) "Child care provider" means an individual who is a 608  
child-care staff member or administrator of a child care center, 609  
a type A family child care home, or a type B family child care 610  
home, or an in-home aide or an individual who is licensed, is 611  
regulated, is approved, operates under the direction of, or 612  
otherwise is certified by the department of children and youth, 613  
department of developmental disabilities, or the early childhood 614  
programs of the department of education. 615

(9) "Commit" means to vest custody as ordered by the 616  
court. 617

(10) "Counseling" includes both of the following: 618

(a) General counseling services performed by a public 619  
children services agency or shelter for victims of domestic 620  
violence to assist a child, a child's parents, and a child's 621  
siblings in alleviating identified problems that may cause or 622  
have caused the child to be an abused, neglected, or dependent 623  
child. 624

(b) Psychiatric or psychological therapeutic counseling 625  
services provided to correct or alleviate any mental or 626  
emotional illness or disorder and performed by a licensed 627  
psychiatrist, licensed psychologist, or a person licensed under 628  
Chapter 4757. of the Revised Code to engage in social work or 629  
professional counseling. 630

(11) "Custodian" means a person who has legal custody of a 631  
child or a public children services agency or private child 632  
placing agency that has permanent, temporary, or legal custody 633  
of a child. 634

(12) "Delinquent child" has the same meaning as in section 635

2152.02 of the Revised Code.	636
(13) "Detention" means the temporary care of children	637
pending court adjudication or disposition, or execution of a	638
court order, in a public or private facility designed to	639
physically restrict the movement and activities of children.	640
(14) "Developmental disability" has the same meaning as in	641
section 5123.01 of the Revised Code.	642
(15) "Differential response approach" means an approach	643
that a public children services agency may use to respond to	644
accepted reports of child abuse or neglect with either an	645
alternative response or a traditional response.	646
(16) "Foster caregiver" has the same meaning as in section	647
5103.02 of the Revised Code.	648
(17) "Guardian" means a person, association, or	649
corporation that is granted authority by a probate court	650
pursuant to Chapter 2111. of the Revised Code to exercise	651
<del>parental rights</del> <u>parenting responsibilities</u> over a child to the	652
extent provided in the court's order and subject to the residual	653
parental rights of the child's parents.	654
(18) "Habitual truant" means any child of compulsory	655
school age who is absent without legitimate excuse for absence	656
from the public school the child is supposed to attend for	657
thirty or more consecutive hours, forty-two or more hours in one	658
school month, or seventy-two or more hours in a school year.	659
(19) "Intellectual disability" has the same meaning as in	660
section 5123.01 of the Revised Code.	661
(20) "Juvenile traffic offender" has the same meaning as	662
in section 2152.02 of the Revised Code.	663

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

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

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

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

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

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

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



(25) "Nonsecure care, supervision, or training" means 693  
care, supervision, or training of a child in a facility that 694  
does not confine or prevent movement of the child within the 695  
facility or from the facility. 696

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

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

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

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

(a) Engaging in sexual activity with a child in the 721

person's care;	722
(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;	723 724 725
(c) Use of restraint procedures on a child that cause injury or pain;	726 727
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	728 729 730
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	731 732 733 734 735 736
(30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	737 738 739
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	740 741 742
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	743 744 745 746
(c) Failure to develop a process for all of the following:	747
(i) Administration of prescription drugs or psychotropic drugs for the child;	748 749

(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	750 751
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	752 753 754
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	755 756 757
(e) Confinement of the child to a locked room without monitoring by staff;	758 759
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	760 761
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	762 763 764 765
(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all <u>parenting responsibilities and</u> parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all <u>parenting responsibilities and</u> parental rights, privileges, and obligations, including all residual rights and obligations.	766 767 768 769 770 771 772
(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	773 774 775 776 777 778

(33) "Person" means an individual, association, 779  
corporation, or partnership and the state or any of its 780  
political subdivisions, departments, or agencies. 781

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

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

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

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

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

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

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

(b) A congenital orthopedic impairment; 806

(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause. 807  
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(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody. 810  
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(37) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody. 814  
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817

(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply: 818  
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(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights. 821  
822  
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(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed. 824  
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(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code. 828  
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830

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

(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an 833  
834

adjudication that a child is an unruly child that is described 835  
in division (A) (4) of section 2152.19 of the Revised Code. 836

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

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

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

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

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

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

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

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

with a developmental disability resides.	863
(50) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.	864 865 866 867 868 869 870
(51) "School day" means the school day established by the board of education of the applicable school district pursuant to section 3313.481 of the Revised Code.	871 872 873
(52) "School year" has the same meaning as in section 3313.62 of the Revised Code.	874 875
(53) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.	876 877 878 879 880
(54) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.	881 882
(55) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.	883 884 885
(56) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.	886 887
(57) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the	888 889 890

legal custody is granted in an agreement for temporary custody, 891  
by the person who executed the agreement. 892

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

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

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

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

(2) Subject to divisions (G), (I), (K), and (V) of section 919



2301.03 of the Revised Code, to determine the custody of any	920
child not a ward of another court of this state;	921
(3) To hear and determine any application for a writ of	922
habeas corpus involving the custody of a child;	923
(4) To exercise the powers and jurisdiction given the	924
probate division of the court of common pleas in Chapter 5122.	925
of the Revised Code, if the court has probable cause to believe	926
that a child otherwise within the jurisdiction of the court is a	927
person with a mental illness subject to court order, as defined	928
in section 5122.01 of the Revised Code;	929
(5) To hear and determine all criminal cases charging	930
adults with the violation of any section of this chapter;	931
(6) To hear and determine all criminal cases in which an	932
adult is charged with a violation of division (C) of section	933
2919.21, division (B)(1) of section 2919.22, section 2919.222,	934
division (B) of section 2919.23, or section 2919.24 of the	935
Revised Code, provided the charge is not included in an	936
indictment that also charges the alleged adult offender with the	937
commission of a felony arising out of the same actions that are	938
the basis of the alleged violation of division (C) of section	939
2919.21, division (B)(1) of section 2919.22, section 2919.222,	940
division (B) of section 2919.23, or section 2919.24 of the	941
Revised Code;	942
(7) Under the interstate compact on juveniles in section	943
2151.56 of the Revised Code;	944
(8) Concerning any child who is to be taken into custody	945
pursuant to section 2151.31 of the Revised Code, upon being	946
notified of the intent to take the child into custody and the	947
reasons for taking the child into custody;	948

(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;	949 950 951 952
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	953 954
(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 is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	955 956 957 958 959 960 961 962
(12) Concerning an action commenced under section 121.38 of the Revised Code;	963 964
(13) To hear and determine violations of section 3321.38 of the Revised Code;	965 966
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	967 968 969 970 971
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and	972 973 974 975 976 977

Chapter 2950. of the Revised Code to magistrates appointed by	978
the juvenile court judge in accordance with Juvenile Rule 40;	979
(16) To hear and determine a petition for a protection	980
order against a child under section 2151.34 or 3113.31 of the	981
Revised Code and to enforce a protection order issued or a	982
consent agreement approved under either section against a child	983
until a date certain but not later than the date the child	984
attains nineteen years of age;	985
(17) Concerning emancipated young adults under sections	986
2151.45 to 2151.455 of the Revised Code;	987
(18) To hear and determine a request for a court order to	988
examine and interview a child who may be an abused, neglected,	989
or dependent child under section 2151.25 of the Revised Code.	990
(B) Except as provided in divisions (G), (I), and (P) of	991
section 2301.03 of the Revised Code, the juvenile court has	992
original jurisdiction under the Revised Code:	993
(1) To hear and determine all cases of misdemeanors	994
charging adults with any act or omission with respect to any	995
child, which act or omission is a violation of any state law or	996
any municipal ordinance;	997
(2) To determine the paternity of any child alleged to	998
have been born out of wedlock pursuant to sections 3111.01 to	999
3111.18 of the Revised Code;	1000
(3) Under the uniform interstate family support act in	1001
Chapter 3115. of the Revised Code;	1002
(4) To hear and determine an application for an order for	1003
the support of any child, if the child is not a ward of another	1004
court of this state;	1005

(5) To hear and determine an action commenced under	1006
section 3111.28 of the Revised Code;	1007
(6) To hear and determine a motion filed under section	1008
3119.961 of the Revised Code;	1009
(7) To receive filings under section 3109.74 of the	1010
Revised Code, and to hear and determine actions arising under	1011
sections 3109.51 to 3109.80 of the Revised Code.	1012
(8) To enforce an order for the return of a child made	1013
under the Hague Convention on the Civil Aspects of International	1014
Child Abduction pursuant to section 3127.32 of the Revised Code;	1015
(9) To grant any relief normally available under the laws	1016
of this state to enforce a child custody determination made by a	1017
court of another state and registered in accordance with section	1018
3127.35 of the Revised Code.	1019
(C) The juvenile court, except as to juvenile courts that	1020
are a separate division of the court of common pleas or a	1021
separate and independent juvenile court, has jurisdiction to	1022
hear, determine, and make a record of any action for divorce or	1023
legal separation that involves the custody or care of children	1024
and that is filed in the court of common pleas and certified by	1025
the court of common pleas with all the papers filed in the	1026
action to the juvenile court for trial, provided that no	1027
certification of that nature shall be made to any juvenile court	1028
unless the consent of the juvenile judge first is obtained.	1029
After a certification of that nature is made and consent is	1030
obtained, the juvenile court shall proceed as if the action	1031
originally had been begun in that court, except as to awards for	1032
spousal support or support due and unpaid at the time of	1033
certification, over which the juvenile court has no	1034

jurisdiction. 1035

(D) The juvenile court, except as provided in division (I) 1036  
of section 2301.03 of the Revised Code, has jurisdiction to hear 1037  
and determine all matters as to custody and support of children 1038  
duly certified by the court of common pleas to the juvenile 1039  
court after a divorce decree has been granted, including 1040  
jurisdiction to modify the judgment and decree of the court of 1041  
common pleas as the same relate to the custody and support of 1042  
children. 1043

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

(F) (1) The juvenile court shall exercise its jurisdiction 1050  
in child custody matters in accordance with sections 3109.04 to 1051  
3109.0499 and 3127.01 to 3127.53 of the Revised Code and, as 1052  
applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 1053  
of the Revised Code. 1054

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

(G) Any juvenile court that makes or modifies an order for 1058  
child support shall comply with Chapters 3119., 3121., 3123., 1059  
and 3125. of the Revised Code. If any person required to pay 1060  
child support under an order made by a juvenile court on or 1061  
after April 15, 1985, or modified on or after December 1, 1986, 1062  
is found in contempt of court for failure to make support 1063

payments under the order, the court that makes the finding, in 1064  
addition to any other penalty or remedy imposed, shall assess 1065  
all court costs arising out of the contempt proceeding against 1066  
the person and require the person to pay any reasonable 1067  
attorney's fees of any adverse party, as determined by the 1068  
court, that arose in relation to the act of contempt. 1069

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

determination of jurisdiction after the transfer and, as 1095  
described in division (B) of that section, the juvenile court 1096  
retains jurisdiction over charges included in the complaint or 1097  
complaints containing the allegation that is the basis of the 1098  
transfer that are not transferred. 1099

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

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

those sections. 1126

**Sec. 2151.33.** (A) Pending hearing of a complaint filed 1127  
under section 2151.27 of the Revised Code or a motion filed or 1128  
made under division (B) of this section and the service of 1129  
citations, the juvenile court may make any temporary disposition 1130  
of any child that it considers necessary to protect the best 1131  
interest of the child and that can be made pursuant to division 1132  
(B) of this section. Upon the certificate of one or more 1133  
reputable practicing physicians, the court may summarily provide 1134  
for emergency medical and surgical treatment that appears to be 1135  
immediately necessary to preserve the health and well-being of 1136  
any child concerning whom a complaint or an application for care 1137  
has been filed, pending the service of a citation upon the 1138  
child's parents, guardian, or custodian. The court may order the 1139  
parents, guardian, or custodian, if the court finds the parents, 1140  
guardian, or custodian able to do so, to reimburse the court for 1141  
the expense involved in providing the emergency medical or 1142  
surgical treatment. Any person who disobeys the order for 1143  
reimbursement may be adjudged in contempt of court and punished 1144  
accordingly. 1145

If the emergency medical or surgical treatment is 1146  
furnished to a child who is found at the hearing to be a 1147  
nonresident of the county in which the court is located and if 1148  
the expense of the medical or surgical treatment cannot be 1149  
recovered from the parents, legal guardian, or custodian of the 1150  
child, the board of county commissioners of the county in which 1151  
the child has a legal settlement shall reimburse the court for 1152  
the reasonable cost of the emergency medical or surgical 1153  
treatment out of its general fund. 1154

(B) (1) After a complaint, petition, writ, or other 1155



document initiating a case dealing with an alleged or 1156  
adjudicated abused, neglected, or dependent child is filed and 1157  
upon the filing or making of a motion pursuant to division (C) 1158  
of this section, the court, prior to the final disposition of 1159  
the case, may issue any of the following temporary orders to 1160  
protect the best interest of the child: 1161

(a) An order granting temporary custody of the child to a 1162  
particular party; 1163

(b) An order for the taking of the child into custody 1164  
pursuant to section 2151.31 of the Revised Code pending the 1165  
outcome of the adjudicatory and dispositional hearings; 1166

(c) An order granting, limiting, or eliminating parenting 1167  
time under a parenting plan or visitation rights with respect to 1168  
the child; 1169

(d) An order requiring a party to vacate a residence that 1170  
will be lawfully occupied by the child; 1171

(e) An order requiring a party to attend an appropriate 1172  
counseling program that is reasonably available to that party; 1173

(f) Any other order that restrains or otherwise controls 1174  
the conduct of any party which conduct would not be in the best 1175  
interest of the child. 1176

(2) Prior to the final disposition of a case subject to 1177  
division (B)(1) of this section, the court shall do both of the 1178  
following: 1179

(a) Issue an order pursuant to Chapters 3119. to 3125. of 1180  
the Revised Code requiring the parents, guardian, or person 1181  
charged with the child's support to pay support for the child. 1182

(b) Issue an order requiring the parents, guardian, or 1183

person charged with the child's support to continue to maintain 1184  
any health insurance coverage for the child that existed at the 1185  
time of the filing of the complaint, petition, writ, or other 1186  
document, or to obtain health insurance coverage in accordance 1187  
with sections 3119.29 to 3119.56 of the Revised Code. 1188

(C) (1) A court may issue an order pursuant to division (B) 1189  
of this section upon its own motion or if a party files a 1190  
written motion or makes an oral motion requesting the issuance 1191  
of the order and stating the reasons for it. Any notice sent by 1192  
the court as a result of a motion pursuant to this division 1193  
shall contain a notice that any party to a juvenile proceeding 1194  
has the right to be represented by counsel and to have appointed 1195  
counsel if the person is indigent. 1196

(2) If a child is taken into custody pursuant to section 1197  
2151.31 of the Revised Code and placed in shelter care, the 1198  
public children services agency or private child placing agency 1199  
with which the child is placed in shelter care shall file or 1200  
make a motion as described in division (C) (1) of this section 1201  
before the end of the next day immediately after the date on 1202  
which the child was taken into custody and, at a minimum, shall 1203  
request an order for temporary custody under division (B) (1) (a) 1204  
of this section. 1205

(3) A court that issues an order pursuant to division (B) 1206  
(1) (b) of this section shall comply with section 2151.419 of the 1207  
Revised Code. 1208

(D) The court may grant an ex parte order upon its own 1209  
motion or a motion filed or made pursuant to division (C) of 1210  
this section requesting such an order if it appears to the court 1211  
that the best interest and the welfare of the child require that 1212  
the court issue the order immediately. The court, if acting on 1213

its own motion, or the person requesting the granting of an ex parte order, to the extent possible, shall give notice of its intent or of the request to the parents, guardian, or custodian of the child who is the subject of the request. If the court issues an ex parte order, the court shall hold a hearing to review the order within seventy-two hours after it is issued or before the end of the next day after the day on which it is issued, whichever occurs first. The court shall give written notice of the hearing to all parties to the action and shall appoint a guardian ad litem for the child prior to the hearing.

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

- (1) The date, time, and location of the hearing;
- (2) The issues to be addressed at the hearing;
- (3) A statement that every party to the hearing has a right to counsel and to court-appointed counsel, if the party is indigent;
- (4) The name, telephone number, and address of the person requesting the order;
- (5) A copy of the order, except when it is not possible to obtain it because of the exigent circumstances in the case.

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

(E) The court, pending the outcome of the adjudicatory and 1242  
dispositional hearings, shall not issue an order granting 1243  
temporary custody of a child to a public children services 1244  
agency or private child placing agency pursuant to this section, 1245  
unless the court determines and specifically states in the order 1246  
that the continued residence of the child in the child's current 1247  
home will be contrary to the child's best interest and welfare 1248  
and the court complies with section 2151.419 of the Revised 1249  
Code. 1250

(F) Each public children services agency and private child 1251  
placing agency that receives temporary custody of a child 1252  
pursuant to this section shall exercise due diligence to 1253  
identify and provide notice to all adult grandparents and other 1254  
adult relatives of the child, including any adult relatives 1255  
suggested by the parents, within thirty days of the child's 1256  
removal from the custody of the child's parents, in accordance 1257  
with 42 U.S.C. 671(a)(29). The agency shall also maintain in the 1258  
child's case record written documentation that it has placed the 1259  
child, to the extent that it is consistent with the best 1260  
interest, welfare, and special needs of the child, in the most 1261  
family-like setting available and in close proximity to the home 1262  
of the parents, custodian, or guardian of the child. 1263

(G) For good cause shown, any court order that is issued 1264  
pursuant to this section may be reviewed by the court at any 1265  
time upon motion of any party to the action or upon the motion 1266  
of the court. 1267

(H) (1) Pending the hearing of a complaint filed under 1268  
section 2151.27 of the Revised Code or a motion filed or made 1269  
under division (B) of this section and the service of citations, 1270  
a public children services agency may request that the 1271

superintendent of the bureau of criminal identification and 1272  
investigation conduct a criminal records check with respect to 1273  
each parent, guardian, custodian, prospective custodian, or 1274  
prospective placement whose actions resulted in a temporary 1275  
disposition under division (A) of this section. The public 1276  
children services agency may request that the superintendent 1277  
obtain information from the federal bureau of investigation as 1278  
part of the criminal records check of each parent, guardian, 1279  
custodian, prospective custodian, or prospective placement. 1280

(2) Each public children services agency authorized by 1281  
division (H) of this section to request a criminal records check 1282  
shall do both of the following: 1283

(a) Provide to each parent, guardian, custodian, 1284  
prospective custodian, or prospective placement for whom a 1285  
criminal records check is requested a copy of the form 1286  
prescribed pursuant to division (C) (1) of section 109.572 of the 1287  
Revised Code and a standard fingerprint impression sheet 1288  
prescribed pursuant to division (C) (2) of that section and 1289  
obtain the completed form and impression sheet from the parent, 1290  
guardian, custodian, prospective custodian, or prospective 1291  
placement; 1292

(b) Forward the completed form and impression sheet to the 1293  
superintendent of the bureau of criminal identification and 1294  
investigation. 1295

(3) A parent, guardian, custodian, prospective custodian, 1296  
or prospective placement who is given a form and fingerprint 1297  
impression sheet under division (H) (2) (a) of this section and 1298  
who fails to complete the form or provide fingerprint 1299  
impressions may be held in contempt of court. 1300

**Sec. 2151.90.** (A) As used in sections 2151.90 to 2151.9011 1301  
of the Revised Code: 1302

(1) "Host family" means any individual who provides care 1303  
in the individual's private residence for a child or single- 1304  
family group, at the request of the child's ~~custodial parents,~~ 1305  
designated parent and legal custodian, guardian, or legal 1306  
custodian, under a host family agreement. The individual also 1307  
may provide care for the individual's own child or children. The 1308  
term "host family" excludes a foster home. 1309

(2) "Qualified organization" means a private association, 1310  
organization, corporation, nonprofit, or other entity that is 1311  
not a Title IV-E reimbursable setting and that has established a 1312  
program that does all of the following: 1313

(a) Provides resources and services to assist, support, 1314  
and educate parents, host families, children, or any person 1315  
hosting a child under a host family agreement on a temporary 1316  
basis; 1317

(b) Requires a criminal records check on the intended host 1318  
family and all adults residing in the host family's household; 1319

(c) Requires a background check in the central registry of 1320  
abuse and neglect of this state from the department of children 1321  
and youth for the intended host family and all adults residing 1322  
in the host family's household; 1323

(d) Ensures that the host family is trained on the rights, 1324  
duties, responsibilities, and limitations as outlined in the 1325  
host family agreement; 1326

(e) Conduct in-home supervision of a child who is the 1327  
subject of the host family agreement while the agreement is in 1328  
force as follows: 1329

(i) For hostings of fewer than thirty days, within two 1330  
business days of placement and then at least once a week 1331  
thereafter; 1332

(ii) For hostings of thirty days but less than ninety 1333  
days, within two business days of placement and then twice a 1334  
month; 1335

(iii) For hostings of ninety days or more, within two 1336  
business days of placement and then an option for less frequent 1337  
supervision, as determined in accordance with the best interests 1338  
of the child. 1339

(f) Plans for the return of the child who is the subject 1340  
of the host family agreement to the child's parents, guardian, 1341  
or legal custodian. 1342

"Qualified organization" excludes any entity that accepts 1343  
public money intended for foster care or kinship care funding or 1344  
the placement of children by a public children services agency, 1345  
private noncustodial agency, or private child placing agency. 1346

(3) "Temporary basis" means a period of time not to exceed 1347  
one year, except as provided in section 2151.901 of the Revised 1348  
Code. 1349

(B) A child may be hosted by a host family only when all 1350  
of the following conditions are satisfied: 1351

(1) The hosting is done on a temporary basis. 1352

(2) The hosting is done under a host family agreement 1353  
entered into with a qualified organization's assistance. 1354

(3) Either one or both of the child's parents, or the 1355  
child's guardian or legal custodian, are incarcerated, 1356  
incapacitated, receiving medical, psychiatric, or psychological 1357

treatment, on active military service, or subject to other 1358  
circumstances under which the hosting is appropriate. 1359

(4) The host family provides care only to that child or 1360  
only to a single-family group, in addition to the host family's 1361  
own child or children if applicable. 1362

**Sec. 2301.03.** (A) In Franklin county, the judges of the 1363  
court of common pleas whose terms begin on January 1, 1953, 1364  
January 2, 1953, January 5, 1969, January 5, 1977, January 2, 1365  
1997, January 9, 2019, and January 3, 2021, and successors, 1366  
shall have the same qualifications, exercise the same powers and 1367  
jurisdiction, and receive the same compensation as other judges 1368  
of the court of common pleas of Franklin county and shall be 1369  
elected and designated as judges of the court of common pleas, 1370  
division of domestic relations. They shall have all the powers 1371  
relating to juvenile courts, and all cases under Chapters 2151. 1372  
and 2152. of the Revised Code, all parentage proceedings under 1373  
Chapter 3111. of the Revised Code over which the juvenile court 1374  
has jurisdiction, and all divorce, dissolution of marriage, 1375  
legal separation, and annulment cases shall be assigned to them. 1376  
In addition to the judge's regular duties, the judge who is 1377  
senior in point of service shall serve on the children services 1378  
board and the county advisory board and shall be the 1379  
administrator of the domestic relations division and its 1380  
subdivisions and departments. 1381

(B) In Hamilton county: 1382

(1) The judge of the court of common pleas, whose term 1383  
begins on January 1, 1957, and successors, and the judge of the 1384  
court of common pleas, whose term begins on February 14, 1967, 1385  
and successors, shall be the juvenile judges as provided in 1386  
Chapters 2151. and 2152. of the Revised Code, with the powers 1387



and jurisdiction conferred by those chapters. 1388

(2) The judges of the court of common pleas whose terms 1389  
begin on January 5, 1957, January 16, 1981, and July 1, 1991, 1390  
and successors, shall be elected and designated as judges of the 1391  
court of common pleas, division of domestic relations, and shall 1392  
have assigned to them all divorce, dissolution of marriage, 1393  
legal separation, and annulment cases coming before the court. 1394  
On or after the first day of July and before the first day of 1395  
August of 1991 and each year thereafter, a majority of the 1396  
judges of the division of domestic relations shall elect one of 1397  
the judges of the division as administrative judge of that 1398  
division. If a majority of the judges of the division of 1399  
domestic relations are unable for any reason to elect an 1400  
administrative judge for the division before the first day of 1401  
August, a majority of the judges of the Hamilton county court of 1402  
common pleas, as soon as possible after that date, shall elect 1403  
one of the judges of the division of domestic relations as 1404  
administrative judge of that division. The term of the 1405  
administrative judge shall begin on the earlier of the first day 1406  
of August of the year in which the administrative judge is 1407  
elected or the date on which the administrative judge is elected 1408  
by a majority of the judges of the Hamilton county court of 1409  
common pleas and shall terminate on the date on which the 1410  
administrative judge's successor is elected in the following 1411  
year. 1412

In addition to the judge's regular duties, the 1413  
administrative judge of the division of domestic relations shall 1414  
be the administrator of the domestic relations division and its 1415  
subdivisions and departments and shall have charge of the 1416  
employment, assignment, and supervision of the personnel of the 1417  
division engaged in handling, servicing, or investigating 1418

divorce, dissolution of marriage, legal separation, and 1419  
annulment cases, including any referees considered necessary by 1420  
the judges in the discharge of their various duties. 1421

The administrative judge of the division of domestic 1422  
relations also shall designate the title, compensation, expense 1423  
allowances, hours, leaves of absence, and vacations of the 1424  
personnel of the division, and shall fix the duties of its 1425  
personnel. The duties of the personnel, in addition to those 1426  
provided for in other sections of the Revised Code, shall 1427  
include the handling, servicing, and investigation of divorce, 1428  
dissolution of marriage, legal separation, and annulment cases 1429  
and counseling and conciliation services that may be made 1430  
available to persons requesting them, whether or not the persons 1431  
are parties to an action pending in the division. 1432

The board of county commissioners shall appropriate the 1433  
sum of money each year as will meet all the administrative 1434  
expenses of the division of domestic relations, including 1435  
reasonable expenses of the domestic relations judges and the 1436  
division counselors and other employees designated to conduct 1437  
the handling, servicing, and investigation of divorce, 1438  
dissolution of marriage, legal separation, and annulment cases, 1439  
conciliation and counseling, and all matters relating to those 1440  
cases and counseling, and the expenses involved in the 1441  
attendance of division personnel at domestic relations and 1442  
welfare conferences designated by the division, and the further 1443  
sum each year as will provide for the adequate operation of the 1444  
division of domestic relations. 1445

The compensation and expenses of all employees and the 1446  
salary and expenses of the judges shall be paid by the county 1447  
treasurer from the money appropriated for the operation of the 1448

division, upon the warrant of the county auditor, certified to 1449  
by the administrative judge of the division of domestic 1450  
relations. 1451

The summonses, warrants, citations, subpoenas, and other 1452  
writs of the division may issue to a bailiff, constable, or 1453  
staff investigator of the division or to the sheriff of any 1454  
county or any marshal, constable, or police officer, and the 1455  
provisions of law relating to the subpoenaing of witnesses in 1456  
other cases shall apply insofar as they are applicable. When a 1457  
summons, warrant, citation, subpoena, or other writ is issued to 1458  
an officer, other than a bailiff, constable, or staff 1459  
investigator of the division, the expense of serving it shall be 1460  
assessed as a part of the costs in the case involved. 1461

(3) The judge of the court of common pleas of Hamilton 1462  
county whose term begins on January 3, 1997, and the successors 1463  
to that judge shall each be elected and designated as the drug 1464  
court judge of the court of common pleas of Hamilton county. 1465

Eligibility for admission of a case into the drug court 1466  
shall be set forth in a local rule adopted by the court of 1467  
common pleas of Hamilton county. The local rule specifying 1468  
eligibility shall not permit referral to the drug court of a 1469  
case that involves a felony of the first or second degree, a 1470  
violation of any prohibition contained in Chapter 2907. of the 1471  
Revised Code that is a felony of the third degree, or a 1472  
violation of section 2903.01 or 2903.02 of the Revised Code. 1473

(4) If the administrative judge of the court of common 1474  
pleas of Hamilton county determines that the volume of cases 1475  
pending before the drug court judge does not constitute a 1476  
sufficient caseload for the drug court judge, the administrative 1477  
judge, in accordance with the Rules of Superintendence for 1478

Courts of Common Pleas, shall assign individual cases to the 1479  
drug court judge from the general docket of the court. If the 1480  
assignments so occur, the administrative judge shall cease the 1481  
assignments when the administrative judge determines that the 1482  
volume of cases pending before the drug court judge constitutes 1483  
a sufficient caseload for the drug court judge. 1484

(C) (1) In Lorain county: 1485

(a) The judges of the court of common pleas whose terms 1486  
begin on January 3, 1959, January 4, 1989, and January 2, 1999, 1487  
and successors, and the judge of the court of common pleas whose 1488  
term begins on February 9, 2009, shall have the same 1489  
qualifications, exercise the same powers and jurisdiction, and 1490  
receive the same compensation as the other judges of the court 1491  
of common pleas of Lorain county and shall be elected and 1492  
designated as the judges of the court of common pleas, division 1493  
of domestic relations. The judges of the court of common pleas 1494  
whose terms begin on January 3, 1959, January 4, 1989, and 1495  
January 2, 1999, and successors, shall have all of the powers 1496  
relating to juvenile courts, and all cases under Chapters 2151. 1497  
and 2152. of the Revised Code, all parentage proceedings over 1498  
which the juvenile court has jurisdiction, and all divorce, 1499  
dissolution of marriage, legal separation, and annulment cases 1500  
shall be assigned to them, except cases that for some special 1501  
reason are assigned to some other judge of the court of common 1502  
pleas. From February 9, 2009, through September 28, 2009, the 1503  
judge of the court of common pleas whose term begins on February 1504  
9, 2009, shall have all the powers relating to juvenile courts, 1505  
and cases under Chapters 2151. and 2152. of the Revised Code, 1506  
parentage proceedings over which the juvenile court has 1507  
jurisdiction, and divorce, dissolution of marriage, legal 1508  
separation, and annulment cases shall be assigned to that judge, 1509

except cases that for some special reason are assigned to some 1510  
other judge of the court of common pleas. 1511

(b) From January 1, 2006, through September 28, 2009, the 1512  
judges of the court of common pleas, division of domestic 1513  
relations, in addition to the powers and jurisdiction set forth 1514  
in division (C) (1) (a) of this section, shall have jurisdiction 1515  
over matters that are within the jurisdiction of the probate 1516  
court under Chapter 2101. and other provisions of the Revised 1517  
Code. 1518

(c) The judge of the court of common pleas, division of 1519  
domestic relations, whose term begins on February 9, 2009, is 1520  
the successor to the probate judge who was elected in 2002 for a 1521  
term that began on February 9, 2003. After September 28, 2009, 1522  
the judge of the court of common pleas, division of domestic 1523  
relations, whose term begins on February 9, 2009, shall be the 1524  
probate judge. 1525

(2) (a) From February 9, 2009, through September 28, 2009, 1526  
with respect to Lorain county, all references in law to the 1527  
probate court shall be construed as references to the court of 1528  
common pleas, division of domestic relations, and all references 1529  
to the probate judge shall be construed as references to the 1530  
judges of the court of common pleas, division of domestic 1531  
relations. 1532

(b) From February 9, 2009, through September 28, 2009, 1533  
with respect to Lorain county, all references in law to the 1534  
clerk of the probate court shall be construed as references to 1535  
the judge who is serving pursuant to Rule 4 of the Rules of 1536  
Superintendence for the Courts of Ohio as the administrative 1537  
judge of the court of common pleas, division of domestic 1538  
relations. 1539

(D) In Lucas county: 1540

(1) The judges of the court of common pleas whose terms 1541  
begin on January 1, 1955, and January 3, 1965, and successors, 1542  
shall have the same qualifications, exercise the same powers and 1543  
jurisdiction, and receive the same compensation as other judges 1544  
of the court of common pleas of Lucas county and shall be 1545  
elected and designated as judges of the court of common pleas, 1546  
division of domestic relations. All divorce, dissolution of 1547  
marriage, legal separation, and annulment cases shall be 1548  
assigned to them. 1549

The judge of the division of domestic relations, senior in 1550  
point of service, shall be considered as the presiding judge of 1551  
the court of common pleas, division of domestic relations, and 1552  
shall be charged exclusively with the assignment and division of 1553  
the work of the division and the employment and supervision of 1554  
all other personnel of the domestic relations division. 1555

(2) The judges of the court of common pleas whose terms 1556  
begin on January 5, 1977, and January 2, 1991, and successors 1557  
shall have the same qualifications, exercise the same powers and 1558  
jurisdiction, and receive the same compensation as other judges 1559  
of the court of common pleas of Lucas county, shall be elected 1560  
and designated as judges of the court of common pleas, juvenile 1561  
division, and shall be the juvenile judges as provided in 1562  
Chapters 2151. and 2152. of the Revised Code with the powers and 1563  
jurisdictions conferred by those chapters. In addition to the 1564  
judge's regular duties, the judge of the court of common pleas, 1565  
juvenile division, senior in point of service, shall be the 1566  
administrator of the juvenile division and its subdivisions and 1567  
departments and shall have charge of the employment, assignment, 1568  
and supervision of the personnel of the division engaged in 1569

handling, servicing, or investigating juvenile cases, including 1570  
any referees considered necessary by the judges of the division 1571  
in the discharge of their various duties. 1572

The judge of the court of common pleas, juvenile division, 1573  
senior in point of service, also shall designate the title, 1574  
compensation, expense allowance, hours, leaves of absence, and 1575  
vacation of the personnel of the division and shall fix the 1576  
duties of the personnel of the division. The duties of the 1577  
personnel, in addition to other statutory duties include the 1578  
handling, servicing, and investigation of juvenile cases and 1579  
counseling and conciliation services that may be made available 1580  
to persons requesting them, whether or not the persons are 1581  
parties to an action pending in the division. 1582

(3) If one of the judges of the court of common pleas, 1583  
division of domestic relations, or one of the judges of the 1584  
juvenile division is sick, absent, or unable to perform that 1585  
judge's judicial duties or the volume of cases pending in that 1586  
judge's division necessitates it, the duties shall be performed 1587  
by the judges of the other of those divisions. 1588

(E) In Mahoning county: 1589

(1) The judge of the court of common pleas whose term 1590  
began on January 1, 1955, and successors, shall have the same 1591  
qualifications, exercise the same powers and jurisdiction, and 1592  
receive the same compensation as other judges of the court of 1593  
common pleas of Mahoning county, shall be elected and designated 1594  
as judge of the court of common pleas, division of domestic 1595  
relations, and shall be assigned all the divorce, dissolution of 1596  
marriage, legal separation, and annulment cases coming before 1597  
the court. In addition to the judge's regular duties, the judge 1598  
of the court of common pleas, division of domestic relations, 1599

shall be the administrator of the domestic relations division 1600  
and its subdivisions and departments and shall have charge of 1601  
the employment, assignment, and supervision of the personnel of 1602  
the division engaged in handling, servicing, or investigating 1603  
divorce, dissolution of marriage, legal separation, and 1604  
annulment cases, including any referees considered necessary in 1605  
the discharge of the various duties of the judge's office. 1606

The judge also shall designate the title, compensation, 1607  
expense allowances, hours, leaves of absence, and vacations of 1608  
the personnel of the division and shall fix the duties of the 1609  
personnel of the division. The duties of the personnel, in 1610  
addition to other statutory duties, include the handling, 1611  
servicing, and investigation of divorce, dissolution of 1612  
marriage, legal separation, and annulment cases and counseling 1613  
and conciliation services that may be made available to persons 1614  
requesting them, whether or not the persons are parties to an 1615  
action pending in the division. 1616

(2) The judge of the court of common pleas whose term 1617  
began on January 2, 1969, and successors, shall have the same 1618  
qualifications, exercise the same powers and jurisdiction, and 1619  
receive the same compensation as other judges of the court of 1620  
common pleas of Mahoning county, shall be elected and designated 1621  
as judge of the court of common pleas, juvenile division, and 1622  
shall be the juvenile judge as provided in Chapters 2151. and 1623  
2152. of the Revised Code, with the powers and jurisdictions 1624  
conferred by those chapters. In addition to the judge's regular 1625  
duties, the judge of the court of common pleas, juvenile 1626  
division, shall be the administrator of the juvenile division 1627  
and its subdivisions and departments and shall have charge of 1628  
the employment, assignment, and supervision of the personnel of 1629  
the division engaged in handling, servicing, or investigating 1630



juvenile cases, including any referees considered necessary by 1631  
the judge in the discharge of the judge's various duties. 1632

The judge also shall designate the title, compensation, 1633  
expense allowances, hours, leaves of absence, and vacation of 1634  
the personnel of the division and shall fix the duties of the 1635  
personnel of the division. The duties of the personnel, in 1636  
addition to other statutory duties, include the handling, 1637  
servicing, and investigation of juvenile cases and counseling 1638  
and conciliation services that may be made available to persons 1639  
requesting them, whether or not the persons are parties to an 1640  
action pending in the division. 1641

(3) If a judge of the court of common pleas, division of 1642  
domestic relations or juvenile division, is sick, absent, or 1643  
unable to perform that judge's judicial duties, or the volume of 1644  
cases pending in that judge's division necessitates it, that 1645  
judge's duties shall be performed by another judge of the court 1646  
of common pleas. 1647

(F) In Montgomery county: 1648

(1) The judges of the court of common pleas whose terms 1649  
begin on January 2, 1953, and January 4, 1977, and successors, 1650  
shall have the same qualifications, exercise the same powers and 1651  
jurisdiction, and receive the same compensation as other judges 1652  
of the court of common pleas of Montgomery county and shall be 1653  
elected and designated as judges of the court of common pleas, 1654  
division of domestic relations. These judges shall have assigned 1655  
to them all divorce, dissolution of marriage, legal separation, 1656  
and annulment cases. 1657

The judge of the division of domestic relations, senior in 1658  
point of service, shall be charged exclusively with the 1659

assignment and division of the work of the division and shall 1660  
have charge of the employment and supervision of the personnel 1661  
of the division engaged in handling, servicing, or investigating 1662  
divorce, dissolution of marriage, legal separation, and 1663  
annulment cases, including any necessary referees, except those 1664  
employees who may be appointed by the judge, junior in point of 1665  
service, under this section and sections 2301.12 and 2301.18 of 1666  
the Revised Code. The judge of the division of domestic 1667  
relations, senior in point of service, also shall designate the 1668  
title, compensation, expense allowances, hours, leaves of 1669  
absence, and vacation of the personnel of the division and shall 1670  
fix their duties. 1671

(2) The judges of the court of common pleas whose terms 1672  
begin on January 1, 1953, and January 1, 1993, and successors, 1673  
shall have the same qualifications, exercise the same powers and 1674  
jurisdiction, and receive the same compensation as other judges 1675  
of the court of common pleas of Montgomery county, shall be 1676  
elected and designated as judges of the court of common pleas, 1677  
juvenile division, and shall be, and have the powers and 1678  
jurisdiction of, the juvenile judge as provided in Chapters 1679  
2151. and 2152. of the Revised Code. 1680

In addition to the judge's regular duties, the judge of 1681  
the court of common pleas, juvenile division, senior in point of 1682  
service, shall be the administrator of the juvenile division and 1683  
its subdivisions and departments and shall have charge of the 1684  
employment, assignment, and supervision of the personnel of the 1685  
juvenile division, including any necessary referees, who are 1686  
engaged in handling, servicing, or investigating juvenile cases. 1687  
The judge, senior in point of service, also shall designate the 1688  
title, compensation, expense allowances, hours, leaves of 1689  
absence, and vacation of the personnel of the division and shall 1690

fix their duties. The duties of the personnel, in addition to 1691  
other statutory duties, shall include the handling, servicing, 1692  
and investigation of juvenile cases and of any counseling and 1693  
conciliation services that are available upon request to 1694  
persons, whether or not they are parties to an action pending in 1695  
the division. 1696

If one of the judges of the court of common pleas, 1697  
division of domestic relations, or one of the judges of the 1698  
court of common pleas, juvenile division, is sick, absent, or 1699  
unable to perform that judge's duties or the volume of cases 1700  
pending in that judge's division necessitates it, the duties of 1701  
that judge may be performed by the judge or judges of the other 1702  
of those divisions. 1703

(G) In Richland county: 1704

(1) The judge of the court of common pleas whose term 1705  
begins on January 1, 1957, and successors, shall have the same 1706  
qualifications, exercise the same powers and jurisdiction, and 1707  
receive the same compensation as the other judges of the court 1708  
of common pleas of Richland county and shall be elected and 1709  
designated as judge of the court of common pleas, division of 1710  
domestic relations. That judge shall be assigned and hear all 1711  
divorce, dissolution of marriage, legal separation, and 1712  
annulment cases, all domestic violence cases arising under 1713  
section 3113.31 of the Revised Code, and all post-decree 1714  
proceedings arising from any case pertaining to any of those 1715  
matters. The division of domestic relations has concurrent 1716  
jurisdiction with the juvenile division of the court of common 1717  
pleas of Richland county to determine the care, custody, or 1718  
control of any child not a ward of another court of this state, 1719  
and to hear and determine a request for an order for the support 1720

of any child if the request is not ancillary to an action for 1721  
divorce, dissolution of marriage, annulment, or legal 1722  
separation, a criminal or civil action involving an allegation 1723  
of domestic violence, or an action for support brought under 1724  
Chapter 3115. of the Revised Code. Except in cases that are 1725  
subject to the exclusive original jurisdiction of the juvenile 1726  
court, the judge of the division of domestic relations shall be 1727  
assigned and hear all cases pertaining to paternity or 1728  
parentage, the care, custody, or control of children, ~~parenting-~~ 1729  
~~time companionship~~ or visitation, child support, or the 1730  
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 1731  
~~the care of children~~ under a parenting plan, all proceedings 1732  
arising under Chapter 3111. of the Revised Code, all proceedings 1733  
arising under the uniform interstate family support act 1734  
contained in Chapter 3115. of the Revised Code, and all post- 1735  
decree proceedings arising from any case pertaining to any of 1736  
those matters. 1737

In addition to the judge's regular duties, the judge of 1738  
the court of common pleas, division of domestic relations, shall 1739  
be the administrator of the domestic relations division and its 1740  
subdivisions and departments. The judge shall have charge of the 1741  
employment, assignment, and supervision of the personnel of the 1742  
domestic relations division, including any magistrates the judge 1743  
considers necessary for the discharge of the judge's duties. The 1744  
judge shall also designate the title, compensation, expense 1745  
allowances, hours, leaves of absence, vacation, and other 1746  
employment-related matters of the personnel of the division and 1747  
shall fix their duties. 1748

(2) The judge of the court of common pleas whose term 1749  
begins on January 3, 2005, and successors, shall have the same 1750  
qualifications, exercise the same powers and jurisdiction, and 1751

receive the same compensation as other judges of the court of 1752  
common pleas of Richland county, shall be elected and designated 1753  
as judge of the court of common pleas, juvenile division, and 1754  
shall be, and have the powers and jurisdiction of, the juvenile 1755  
judge as provided in Chapters 2151. and 2152. of the Revised 1756  
Code. Except in cases that are subject to the exclusive original 1757  
jurisdiction of the juvenile court, the judge of the juvenile 1758  
division shall not have jurisdiction or the power to hear, and 1759  
shall not be assigned, any case pertaining to paternity or 1760  
parentage, the care, custody, or control of children, ~~parenting-~~ 1761  
~~time companionship~~ or visitation, child support, or the 1762  
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 1763  
~~the care of children under a parenting plan~~ or any post-decree 1764  
proceeding arising from any case pertaining to any of those 1765  
matters. The judge of the juvenile division shall not have 1766  
jurisdiction or the power to hear, and shall not be assigned, 1767  
any proceeding under the uniform interstate family support act 1768  
contained in Chapter 3115. of the Revised Code. 1769

In addition to the judge's regular duties, the judge of 1770  
the juvenile division shall be the administrator of the juvenile 1771  
division and its subdivisions and departments. The judge shall 1772  
have charge of the employment, assignment, and supervision of 1773  
the personnel of the juvenile division who are engaged in 1774  
handling, servicing, or investigating juvenile cases, including 1775  
any magistrates whom the judge considers necessary for the 1776  
discharge of the judge's various duties. 1777

The judge of the juvenile division also shall designate 1778  
the title, compensation, expense allowances, hours, leaves of 1779  
absence, and vacation of the personnel of the division and shall 1780  
fix their duties. The duties of the personnel, in addition to 1781  
other statutory duties, include the handling, servicing, and 1782

investigation of juvenile cases and providing any counseling, 1783  
conciliation, and mediation services that the court makes 1784  
available to persons, whether or not the persons are parties to 1785  
an action pending in the court, who request the services. 1786

(H) (1) In Stark county, the judges of the court of common 1787  
pleas whose terms begin on January 1, 1953, January 2, 1959, and 1788  
January 1, 1993, and successors, shall have the same 1789  
qualifications, exercise the same powers and jurisdiction, and 1790  
receive the same compensation as other judges of the court of 1791  
common pleas of Stark county and shall be elected and designated 1792  
as judges of the court of common pleas, family court division. 1793  
They shall have all the powers relating to juvenile courts, and 1794  
all cases under Chapters 2151. and 2152. of the Revised Code, 1795  
all parentage proceedings over which the juvenile court has 1796  
jurisdiction, and all divorce, dissolution of marriage, legal 1797  
separation, and annulment cases, except cases that are assigned 1798  
to some other judge of the court of common pleas for some 1799  
special reason, shall be assigned to the judges. 1800

(2) The judge of the family court division, second most 1801  
senior in point of service, shall have charge of the employment 1802  
and supervision of the personnel of the division engaged in 1803  
handling, servicing, or investigating divorce, dissolution of 1804  
marriage, legal separation, and annulment cases, and necessary 1805  
referees required for the judge's respective court. 1806

(3) The judge of the family court division, senior in 1807  
point of service, shall be charged exclusively with the 1808  
administration of sections 2151.13, 2151.16, 2151.17, and 1809  
2152.71 of the Revised Code and with the assignment and division 1810  
of the work of the division and the employment and supervision 1811  
of all other personnel of the division, including, but not 1812

limited to, that judge's necessary referees, but excepting those 1813  
employees who may be appointed by the judge second most senior 1814  
in point of service. The senior judge further shall serve in 1815  
every other position in which the statutes permit or require a 1816  
juvenile judge to serve. 1817

(4) On and after September 29, 2015, all references in law 1818  
to "the division of domestic relations," "the domestic relations 1819  
division," "the domestic relations court," "the judge of the 1820  
division of domestic relations," or "the judge of the domestic 1821  
relations division" shall be construed, with respect to Stark 1822  
county, as being references to "the family court division" or 1823  
"the judge of the family court division." 1824

(I) In Summit county: 1825

(1) The judges of the court of common pleas whose terms 1826  
begin on January 4, 1967, and January 6, 1993, and successors, 1827  
shall have the same qualifications, exercise the same powers and 1828  
jurisdiction, and receive the same compensation as other judges 1829  
of the court of common pleas of Summit county and shall be 1830  
elected and designated as judges of the court of common pleas, 1831  
division of domestic relations. The judges of the division of 1832  
domestic relations shall have assigned to them and hear all 1833  
divorce, dissolution of marriage, legal separation, and 1834  
annulment cases that come before the court. Except in cases that 1835  
are subject to the exclusive original jurisdiction of the 1836  
juvenile court, the judges of the division of domestic relations 1837  
shall have assigned to them and hear all cases pertaining to 1838  
paternity, custody, companionship or visitation, child support, 1839  
or the allocation of parental rights and parenting 1840  
responsibilities ~~for the care of children under a parenting plan~~ 1841  
and all post-decree proceedings arising from any case pertaining 1842

to any of those matters. The judges of the division of domestic 1843  
relations shall have assigned to them and hear all proceedings 1844  
under the uniform interstate family support act contained in 1845  
Chapter 3115. of the Revised Code. 1846

The judge of the division of domestic relations, senior in 1847  
point of service, shall be the administrator of the domestic 1848  
relations division and its subdivisions and departments and 1849  
shall have charge of the employment, assignment, and supervision 1850  
of the personnel of the division, including any necessary 1851  
referees, who are engaged in handling, servicing, or 1852  
investigating divorce, dissolution of marriage, legal 1853  
separation, and annulment cases. That judge also shall designate 1854  
the title, compensation, expense allowances, hours, leaves of 1855  
absence, and vacations of the personnel of the division and 1856  
shall fix their duties. The duties of the personnel, in addition 1857  
to other statutory duties, shall include the handling, 1858  
servicing, and investigation of divorce, dissolution of 1859  
marriage, legal separation, and annulment cases and of any 1860  
counseling and conciliation services that are available upon 1861  
request to all persons, whether or not they are parties to an 1862  
action pending in the division. 1863

(2) The judge of the court of common pleas whose term 1864  
begins on January 1, 1955, and successors, shall have the same 1865  
qualifications, exercise the same powers and jurisdiction, and 1866  
receive the same compensation as other judges of the court of 1867  
common pleas of Summit county, shall be elected and designated 1868  
as judge of the court of common pleas, juvenile division, and 1869  
shall be, and have the powers and jurisdiction of, the juvenile 1870  
judge as provided in Chapters 2151. and 2152. of the Revised 1871  
Code. Except in cases that are subject to the exclusive original 1872  
jurisdiction of the juvenile court, the judge of the juvenile 1873



division shall not have jurisdiction or the power to hear, and 1874  
shall not be assigned, any case pertaining to paternity, 1875  
custody, companionship or visitation, child support, or the 1876  
allocation of ~~parental rights and parenting responsibilities for~~ 1877  
~~the care of children under a parenting plan~~ or any post-decree 1878  
proceeding arising from any case pertaining to any of those 1879  
matters. The judge of the juvenile division shall not have 1880  
jurisdiction or the power to hear, and shall not be assigned, 1881  
any proceeding under the uniform interstate family support act 1882  
contained in Chapter 3115. of the Revised Code. 1883

The juvenile judge shall be the administrator of the 1884  
juvenile division and its subdivisions and departments and shall 1885  
have charge of the employment, assignment, and supervision of 1886  
the personnel of the juvenile division, including any necessary 1887  
referees, who are engaged in handling, servicing, or 1888  
investigating juvenile cases. The judge also shall designate the 1889  
title, compensation, expense allowances, hours, leaves of 1890  
absence, and vacation of the personnel of the division and shall 1891  
fix their duties. The duties of the personnel, in addition to 1892  
other statutory duties, shall include the handling, servicing, 1893  
and investigation of juvenile cases and of any counseling and 1894  
conciliation services that are available upon request to 1895  
persons, whether or not they are parties to an action pending in 1896  
the division. 1897

(J) In Trumbull county, the judges of the court of common 1898  
pleas whose terms begin on January 1, 1953, and January 2, 1977, 1899  
and successors, shall have the same qualifications, exercise the 1900  
same powers and jurisdiction, and receive the same compensation 1901  
as other judges of the court of common pleas of Trumbull county 1902  
and shall be elected and designated as judges of the court of 1903  
common pleas, division of domestic relations. They shall have 1904

all the powers relating to juvenile courts, and all cases under 1905  
Chapters 2151. and 2152. of the Revised Code, all parentage 1906  
proceedings over which the juvenile court has jurisdiction, and 1907  
all divorce, dissolution of marriage, legal separation, and 1908  
annulment cases shall be assigned to them, except cases that for 1909  
some special reason are assigned to some other judge of the 1910  
court of common pleas. 1911

(K) In Butler county: 1912

(1) The judges of the court of common pleas whose terms 1913  
begin on January 1, 1957, and January 4, 1993, and successors, 1914  
shall have the same qualifications, exercise the same powers and 1915  
jurisdiction, and receive the same compensation as other judges 1916  
of the court of common pleas of Butler county and shall be 1917  
elected and designated as judges of the court of common pleas, 1918  
division of domestic relations. The judges of the division of 1919  
domestic relations shall have assigned to them all divorce, 1920  
dissolution of marriage, legal separation, and annulment cases 1921  
coming before the court, except in cases that for some special 1922  
reason are assigned to some other judge of the court of common 1923  
pleas. The judges of the division of domestic relations also 1924  
have concurrent jurisdiction with judges of the juvenile 1925  
division of the court of common pleas of Butler county with 1926  
respect to and may hear cases to determine the custody, support, 1927  
or custody and support of a child who is born of issue of a 1928  
marriage and who is not the ward of another court of this state, 1929  
cases commenced by a party of the marriage to obtain an order 1930  
requiring support of any child when the request for that order 1931  
is not ancillary to an action for divorce, dissolution of 1932  
marriage, annulment, or legal separation, a criminal or civil 1933  
action involving an allegation of domestic violence, an action 1934  
for support under Chapter 3115. of the Revised Code, or an 1935

action that is within the exclusive original jurisdiction of the 1936  
juvenile division of the court of common pleas of Butler county 1937  
and that involves an allegation that the child is an abused, 1938  
neglected, or dependent child, and post-decree proceedings and 1939  
matters arising from those types of cases. The judge senior in 1940  
point of service shall be charged with the assignment and 1941  
division of the work of the division and with the employment and 1942  
supervision of all other personnel of the domestic relations 1943  
division. 1944

The judge senior in point of service also shall designate 1945  
the title, compensation, expense allowances, hours, leaves of 1946  
absence, and vacations of the personnel of the division and 1947  
shall fix their duties. The duties of the personnel, in addition 1948  
to other statutory duties, shall include the handling, 1949  
servicing, and investigation of divorce, dissolution of 1950  
marriage, legal separation, and annulment cases and providing 1951  
any counseling and conciliation services that the division makes 1952  
available to persons, whether or not the persons are parties to 1953  
an action pending in the division, who request the services. 1954

(2) The judges of the court of common pleas whose terms 1955  
begin on January 3, 1987, and January 2, 2003, and successors, 1956  
shall have the same qualifications, exercise the same powers and 1957  
jurisdiction, and receive the same compensation as other judges 1958  
of the court of common pleas of Butler county, shall be elected 1959  
and designated as judges of the court of common pleas, juvenile 1960  
division, and shall be the juvenile judges as provided in 1961  
Chapters 2151. and 2152. of the Revised Code, with the powers 1962  
and jurisdictions conferred by those chapters. Except in cases 1963  
that are subject to the exclusive original jurisdiction of the 1964  
juvenile court, the judges of the juvenile division shall not 1965  
have jurisdiction or the power to hear and shall not be 1966

assigned, but shall have the limited ability and authority to 1967  
certify, any case commenced by a party of a marriage to 1968  
determine the custody, support, or custody and support of a 1969  
child who is born of issue of the marriage and who is not the 1970  
ward of another court of this state when the request for the 1971  
order in the case is not ancillary to an action for divorce, 1972  
dissolution of marriage, annulment, or legal separation. The 1973  
judge of the court of common pleas, juvenile division, who is 1974  
senior in point of service, shall be the administrator of the 1975  
juvenile division and its subdivisions and departments. The 1976  
judge, senior in point of service, shall have charge of the 1977  
employment, assignment, and supervision of the personnel of the 1978  
juvenile division who are engaged in handling, servicing, or 1979  
investigating juvenile cases, including any referees whom the 1980  
judge considers necessary for the discharge of the judge's 1981  
various duties. 1982

The judge, senior in point of service, also shall 1983  
designate the title, compensation, expense allowances, hours, 1984  
leaves of absence, and vacation of the personnel of the division 1985  
and shall fix their duties. The duties of the personnel, in 1986  
addition to other statutory duties, include the handling, 1987  
servicing, and investigation of juvenile cases and providing any 1988  
counseling and conciliation services that the division makes 1989  
available to persons, whether or not the persons are parties to 1990  
an action pending in the division, who request the services. 1991

(3) If a judge of the court of common pleas, division of 1992  
domestic relations or juvenile division, is sick, absent, or 1993  
unable to perform that judge's judicial duties or the volume of 1994  
cases pending in the judge's division necessitates it, the 1995  
duties of that judge shall be performed by the other judges of 1996  
the domestic relations and juvenile divisions. 1997

(L) (1) In Cuyahoga county, the judges of the court of common pleas whose terms begin on January 8, 1961, January 9, 1961, January 18, 1975, January 19, 1975, and January 13, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Cuyahoga county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that are assigned to some other judge of the court of common pleas for some special reason.

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

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

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

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

(M) In Lake county:

(1) The judge of the court of common pleas whose term begins on January 2, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lake county and shall be elected and

designated as judge of the court of common pleas, division of 2027  
domestic relations. The judge shall be assigned all the divorce, 2028  
dissolution of marriage, legal separation, and annulment cases 2029  
coming before the court, except in cases that for some special 2030  
reason are assigned to some other judge of the court of common 2031  
pleas. The judge shall be charged with the assignment and 2032  
division of the work of the division and with the employment and 2033  
supervision of all other personnel of the domestic relations 2034  
division. 2035

The judge also shall designate the title, compensation, 2036  
expense allowances, hours, leaves of absence, and vacations of 2037  
the personnel of the division and shall fix their duties. The 2038  
duties of the personnel, in addition to other statutory duties, 2039  
shall include the handling, servicing, and investigation of 2040  
divorce, dissolution of marriage, legal separation, and 2041  
annulment cases and providing any counseling and conciliation 2042  
services that the division makes available to persons, whether 2043  
or not the persons are parties to an action pending in the 2044  
division, who request the services. 2045

(2) The judge of the court of common pleas whose term 2046  
begins on January 4, 1979, and successors, shall have the same 2047  
qualifications, exercise the same powers and jurisdiction, and 2048  
receive the same compensation as other judges of the court of 2049  
common pleas of Lake county, shall be elected and designated as 2050  
judge of the court of common pleas, juvenile division, and shall 2051  
be the juvenile judge as provided in Chapters 2151. and 2152. of 2052  
the Revised Code, with the powers and jurisdictions conferred by 2053  
those chapters. The judge of the court of common pleas, juvenile 2054  
division, shall be the administrator of the juvenile division 2055  
and its subdivisions and departments. The judge shall have 2056  
charge of the employment, assignment, and supervision of the 2057

personnel of the juvenile division who are engaged in handling, 2058  
servicing, or investigating juvenile cases, including any 2059  
referees whom the judge considers necessary for the discharge of 2060  
the judge's various duties. 2061

The judge also shall designate the title, compensation, 2062  
expense allowances, hours, leaves of absence, and vacation of 2063  
the personnel of the division and shall fix their duties. The 2064  
duties of the personnel, in addition to other statutory duties, 2065  
include the handling, servicing, and investigation of juvenile 2066  
cases and providing any counseling and conciliation services 2067  
that the division makes available to persons, whether or not the 2068  
persons are parties to an action pending in the division, who 2069  
request the services. 2070

(3) If a judge of the court of common pleas, division of 2071  
domestic relations or juvenile division, is sick, absent, or 2072  
unable to perform that judge's judicial duties or the volume of 2073  
cases pending in the judge's division necessitates it, the 2074  
duties of that judge shall be performed by the other judges of 2075  
the domestic relations and juvenile divisions. 2076

(N) In Erie county: 2077

(1) The judge of the court of common pleas whose term 2078  
begins on January 2, 1971, and the successors to that judge 2079  
whose terms begin before January 2, 2007, shall have the same 2080  
qualifications, exercise the same powers and jurisdiction, and 2081  
receive the same compensation as the other judge of the court of 2082  
common pleas of Erie county and shall be elected and designated 2083  
as judge of the court of common pleas, division of domestic 2084  
relations. The judge shall have all the powers relating to 2085  
juvenile courts, and shall be assigned all cases under Chapters 2086  
2151. and 2152. of the Revised Code, parentage proceedings over 2087

which the juvenile court has jurisdiction, and divorce, 2088  
dissolution of marriage, legal separation, and annulment cases, 2089  
except cases that for some special reason are assigned to some 2090  
other judge. 2091

On or after January 2, 2007, the judge of the court of 2092  
common pleas who is elected in 2006 shall be the successor to 2093  
the judge of the domestic relations division whose term expires 2094  
on January 1, 2007, shall be designated as judge of the court of 2095  
common pleas, juvenile division, and shall be the juvenile judge 2096  
as provided in Chapters 2151. and 2152. of the Revised Code with 2097  
the powers and jurisdictions conferred by those chapters. 2098

(2) The judge of the court of common pleas, general 2099  
division, whose term begins on January 1, 2005, and successors, 2100  
the judge of the court of common pleas, general division whose 2101  
term begins on January 2, 2005, and successors, and the judge of 2102  
the court of common pleas, general division, whose term begins 2103  
February 9, 2009, and successors, shall have assigned to them, 2104  
in addition to all matters that are within the jurisdiction of 2105  
the general division of the court of common pleas, all divorce, 2106  
dissolution of marriage, legal separation, and annulment cases 2107  
coming before the court, and all matters that are within the 2108  
jurisdiction of the probate court under Chapter 2101., and other 2109  
provisions, of the Revised Code. 2110

(0) In Greene county: 2111

(1) The judge of the court of common pleas whose term 2112  
begins on January 1, 1961, and successors, shall have the same 2113  
qualifications, exercise the same powers and jurisdiction, and 2114  
receive the same compensation as the other judges of the court 2115  
of common pleas of Greene county and shall be elected and 2116  
designated as the judge of the court of common pleas, division 2117



of domestic relations. The judge shall be assigned all divorce, 2118  
dissolution of marriage, legal separation, annulment, uniform 2119  
reciprocal support enforcement, and domestic violence cases and 2120  
all other cases related to domestic relations, except cases that 2121  
for some special reason are assigned to some other judge of the 2122  
court of common pleas. 2123

The judge shall be charged with the assignment and 2124  
division of the work of the division and with the employment and 2125  
supervision of all other personnel of the division. The judge 2126  
also shall designate the title, compensation, hours, leaves of 2127  
absence, and vacations of the personnel of the division and 2128  
shall fix their duties. The duties of the personnel of the 2129  
division, in addition to other statutory duties, shall include 2130  
the handling, servicing, and investigation of divorce, 2131  
dissolution of marriage, legal separation, and annulment cases 2132  
and the provision of counseling and conciliation services that 2133  
the division considers necessary and makes available to persons 2134  
who request the services, whether or not the persons are parties 2135  
in an action pending in the division. The compensation for the 2136  
personnel shall be paid from the overall court budget and shall 2137  
be included in the appropriations for the existing judges of the 2138  
general division of the court of common pleas. 2139

(2) The judge of the court of common pleas whose term 2140  
begins on January 1, 1995, and successors, shall have the same 2141  
qualifications, exercise the same powers and jurisdiction, and 2142  
receive the same compensation as the other judges of the court 2143  
of common pleas of Greene county, shall be elected and 2144  
designated as judge of the court of common pleas, juvenile 2145  
division, and, on or after January 1, 1995, shall be the 2146  
juvenile judge as provided in Chapters 2151. and 2152. of the 2147  
Revised Code with the powers and jurisdiction conferred by those 2148

chapters. The judge of the court of common pleas, juvenile 2149  
division, shall be the administrator of the juvenile division 2150  
and its subdivisions and departments. The judge shall have 2151  
charge of the employment, assignment, and supervision of the 2152  
personnel of the juvenile division who are engaged in handling, 2153  
servicing, or investigating juvenile cases, including any 2154  
referees whom the judge considers necessary for the discharge of 2155  
the judge's various duties. 2156

The judge also shall designate the title, compensation, 2157  
expense allowances, hours, leaves of absence, and vacation of 2158  
the personnel of the division and shall fix their duties. The 2159  
duties of the personnel, in addition to other statutory duties, 2160  
include the handling, servicing, and investigation of juvenile 2161  
cases and providing any counseling and conciliation services 2162  
that the court makes available to persons, whether or not the 2163  
persons are parties to an action pending in the court, who 2164  
request the services. 2165

(3) If one of the judges of the court of common pleas, 2166  
general division, is sick, absent, or unable to perform that 2167  
judge's judicial duties or the volume of cases pending in the 2168  
general division necessitates it, the duties of that judge of 2169  
the general division shall be performed by the judge of the 2170  
division of domestic relations and the judge of the juvenile 2171  
division. 2172

(P) In Portage county, the judge of the court of common 2173  
pleas, whose term begins January 2, 1987, and successors, shall 2174  
have the same qualifications, exercise the same powers and 2175  
jurisdiction, and receive the same compensation as the other 2176  
judges of the court of common pleas of Portage county and shall 2177  
be elected and designated as judge of the court of common pleas, 2178

division of domestic relations. The judge shall be assigned all 2179  
divorce, dissolution of marriage, legal separation, and 2180  
annulment cases, all cases arising under Chapter 3111. of the 2181  
Revised Code, all proceedings involving child support, the 2182  
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 2183  
~~the care of children under a parenting plan~~ and the designation 2184  
for the children of a place of residence and legal custodian, ~~—~~ 2185  
~~parenting time~~, and companionship or visitation, all proceedings 2186  
arising under the uniform interstate family support act 2187  
contained in Chapter 3115. of the Revised Code, all proceedings 2188  
arising under sections 3119.96 to 3119.967 of the Revised Code, 2189  
all proceedings arising under the uniform child custody 2190  
jurisdiction and enforcement act contained in Chapter 3127. of 2191  
the Revised Code, and all post-decree proceedings and matters 2192  
arising from those cases and proceedings, except in cases that 2193  
for some special reason are assigned to some other judge of the 2194  
court of common pleas. The judge shall be charged with the 2195  
assignment and division of the work of the division and with the 2196  
employment and supervision of all other personnel of the 2197  
domestic relations division. 2198

The judge also shall designate the title, compensation, 2199  
expense allowances, hours, leaves of absence, and vacations of 2200  
the personnel of the division and shall fix their duties. The 2201  
duties of the personnel, in addition to other statutory duties, 2202  
shall include the handling, servicing, and investigation of 2203  
divorce, dissolution of marriage, legal separation, and 2204  
annulment cases, cases arising under Chapter 3111. of the 2205  
Revised Code, proceedings involving child support, the 2206  
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 2207  
~~the care of children under a parenting plan~~ and the designation 2208  
for the children of a place of residence and legal custodian, ~~—~~ 2209

~~parenting time~~, and companionship or visitation, proceedings 2210  
arising under the uniform interstate family support act 2211  
contained in Chapter 3115. of the Revised Code, proceedings 2212  
arising under sections 3119.96 to 3119.967 of the Revised Code, 2213  
and proceedings arising under the uniform child custody 2214  
jurisdiction and enforcement act contained in Chapter 3127. of 2215  
the Revised Code, and providing any counseling and conciliation 2216  
services that the division makes available to persons, whether 2217  
or not the persons are parties to an action pending in the 2218  
division, who request the services. 2219

(Q) In Clermont county, the judge of the court of common 2220  
pleas, whose term begins January 2, 1987, and successors, shall 2221  
have the same qualifications, exercise the same powers and 2222  
jurisdiction, and receive the same compensation as the other 2223  
judges of the court of common pleas of Clermont county and shall 2224  
be elected and designated as judge of the court of common pleas, 2225  
division of domestic relations. The judge shall be assigned all 2226  
divorce, dissolution of marriage, legal separation, and 2227  
annulment cases coming before the court, except in cases that 2228  
for some special reason are assigned to some other judge of the 2229  
court of common pleas. The judge shall be charged with the 2230  
assignment and division of the work of the division and with the 2231  
employment and supervision of all other personnel of the 2232  
domestic relations division. 2233

The judge also shall designate the title, compensation, 2234  
expense allowances, hours, leaves of absence, and vacations of 2235  
the personnel of the division and shall fix their duties. The 2236  
duties of the personnel, in addition to other statutory duties, 2237  
shall include the handling, servicing, and investigation of 2238  
divorce, dissolution of marriage, legal separation, and 2239  
annulment cases and providing any counseling and conciliation 2240

services that the division makes available to persons, whether 2241  
or not the persons are parties to an action pending in the 2242  
division, who request the services. 2243

(R) In Warren county, the judge of the court of common 2244  
pleas, whose term begins January 1, 1987, and successors, shall 2245  
have the same qualifications, exercise the same powers and 2246  
jurisdiction, and receive the same compensation as the other 2247  
judges of the court of common pleas of Warren county and shall 2248  
be elected and designated as judge of the court of common pleas, 2249  
division of domestic relations. The judge shall be assigned all 2250  
divorce, dissolution of marriage, legal separation, and 2251  
annulment cases coming before the court, except in cases that 2252  
for some special reason are assigned to some other judge of the 2253  
court of common pleas. The judge shall be charged with the 2254  
assignment and division of the work of the division and with the 2255  
employment and supervision of all other personnel of the 2256  
domestic relations division. 2257

The judge also shall designate the title, compensation, 2258  
expense allowances, hours, leaves of absence, and vacations of 2259  
the personnel of the division and shall fix their duties. The 2260  
duties of the personnel, in addition to other statutory duties, 2261  
shall include the handling, servicing, and investigation of 2262  
divorce, dissolution of marriage, legal separation, and 2263  
annulment cases and providing any counseling and conciliation 2264  
services that the division makes available to persons, whether 2265  
or not the persons are parties to an action pending in the 2266  
division, who request the services. 2267

(S) In Licking county, the judges of the court of common 2268  
pleas, whose terms begin on January 1, 1991, and January 1, 2269  
2005, and successors, shall have the same qualifications, 2270

exercise the same powers and jurisdiction, and receive the same 2271  
compensation as the other judges of the court of common pleas of 2272  
Licking county and shall be elected and designated as judges of 2273  
the court of common pleas, division of domestic relations. The 2274  
judges shall be assigned all divorce, dissolution of marriage, 2275  
legal separation, and annulment cases, all cases arising under 2276  
Chapter 3111. of the Revised Code, all proceedings involving 2277  
child support, the allocation of ~~parental rights and parenting~~ 2278  
~~responsibilities for the care of children under a parenting plan~~ 2279  
and the designation for the children of a place of residence and 2280  
legal custodian, ~~parenting time, and companionship or~~ 2281  
visitation, and all post-decree proceedings and matters arising 2282  
from those cases and proceedings, except in cases that for some 2283  
special reason are assigned to another judge of the court of 2284  
common pleas. The administrative judge of the division of 2285  
domestic relations shall be charged with the assignment and 2286  
division of the work of the division and with the employment and 2287  
supervision of the personnel of the division. 2288

The administrative judge of the division of domestic 2289  
relations shall designate the title, compensation, expense 2290  
allowances, hours, leaves of absence, and vacations of the 2291  
personnel of the division and shall fix the duties of the 2292  
personnel of the division. The duties of the personnel of the 2293  
division, in addition to other statutory duties, shall include 2294  
the handling, servicing, and investigation of divorce, 2295  
dissolution of marriage, legal separation, and annulment cases, 2296  
cases arising under Chapter 3111. of the Revised Code, and 2297  
proceedings involving child support, the allocation of ~~parental-~~ 2298  
~~rights and parenting responsibilities for the care of children-~~ 2299  
~~under a parenting plan~~ and the designation for the children of a 2300  
place of residence and legal custodian, ~~parenting time,~~ and 2301

companionship or visitation, and providing any counseling and 2302  
conciliation services that the division makes available to 2303  
persons, whether or not the persons are parties to an action 2304  
pending in the division, who request the services. 2305

(T) In Allen county, the judge of the court of common 2306  
pleas, whose term begins January 1, 1993, and successors, shall 2307  
have the same qualifications, exercise the same powers and 2308  
jurisdiction, and receive the same compensation as the other 2309  
judges of the court of common pleas of Allen county and shall be 2310  
elected and designated as judge of the court of common pleas, 2311  
division of domestic relations. The judge shall be assigned all 2312  
divorce, dissolution of marriage, legal separation, and 2313  
annulment cases, all cases arising under Chapter 3111. of the 2314  
Revised Code, all proceedings involving child support, the 2315  
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 2316  
~~the care of children under a parenting plan~~ and the designation 2317  
for the children of a place of residence and legal custodian, 2318  
~~parenting time~~, and companionship or visitation, and all post- 2319  
decree proceedings and matters arising from those cases and 2320  
proceedings, except in cases that for some special reason are 2321  
assigned to another judge of the court of common pleas. The 2322  
judge shall be charged with the assignment and division of the 2323  
work of the division and with the employment and supervision of 2324  
the personnel of the division. 2325

The judge shall designate the title, compensation, expense 2326  
allowances, hours, leaves of absence, and vacations of the 2327  
personnel of the division and shall fix the duties of the 2328  
personnel of the division. The duties of the personnel of the 2329  
division, in addition to other statutory duties, shall include 2330  
the handling, servicing, and investigation of divorce, 2331  
dissolution of marriage, legal separation, and annulment cases, 2332

cases arising under Chapter 3111. of the Revised Code, and 2333  
proceedings involving child support, the allocation of ~~parental-~~ 2334  
~~rights and parenting responsibilities for the care of children-~~ 2335  
under a parenting plan and the designation for the children of a 2336  
place of residence and legal custodian, ~~parenting time,~~ and 2337  
companionship or visitation, and providing any counseling and 2338  
conciliation services that the division makes available to 2339  
persons, whether or not the persons are parties to an action 2340  
pending in the division, who request the services. 2341

(U) In Medina county, the judge of the court of common 2342  
pleas whose term begins January 1, 1995, and successors, shall 2343  
have the same qualifications, exercise the same powers and 2344  
jurisdiction, and receive the same compensation as other judges 2345  
of the court of common pleas of Medina county and shall be 2346  
elected and designated as judge of the court of common pleas, 2347  
division of domestic relations. The judge shall be assigned all 2348  
divorce, dissolution of marriage, legal separation, and 2349  
annulment cases, all cases arising under Chapter 3111. of the 2350  
Revised Code, all proceedings involving child support, the 2351  
allocation of ~~parental rights and parenting responsibilities for-~~ 2352  
~~the care of children~~ under a parenting plan and the designation 2353  
for the children of a place of residence and legal custodian, ~~-~~ 2354  
~~parenting time,~~ and companionship or visitation, and all post- 2355  
decree proceedings and matters arising from those cases and 2356  
proceedings, except in cases that for some special reason are 2357  
assigned to another judge of the court of common pleas. The 2358  
judge shall be charged with the assignment and division of the 2359  
work of the division and with the employment and supervision of 2360  
the personnel of the division. 2361

The judge shall designate the title, compensation, expense 2362  
allowances, hours, leaves of absence, and vacations of the 2363



personnel of the division and shall fix the duties of the 2364  
personnel of the division. The duties of the personnel, in 2365  
addition to other statutory duties, include the handling, 2366  
servicing, and investigation of divorce, dissolution of 2367  
marriage, legal separation, and annulment cases, cases arising 2368  
under Chapter 3111. of the Revised Code, and proceedings 2369  
involving child support, the allocation of ~~parental rights and~~ 2370  
parenting responsibilities ~~for the care of children under a~~ 2371  
parenting plan and the designation for the children of a place 2372  
of residence and legal custodian, ~~parenting time,~~ and 2373  
companionship or visitation, and providing counseling and 2374  
conciliation services that the division makes available to 2375  
persons, whether or not the persons are parties to an action 2376  
pending in the division, who request the services. 2377

(V) In Fairfield county, the judge of the court of common 2378  
pleas whose term begins January 2, 1995, and successors, shall 2379  
have the same qualifications, exercise the same powers and 2380  
jurisdiction, and receive the same compensation as the other 2381  
judges of the court of common pleas of Fairfield county and 2382  
shall be elected and designated as judge of the court of common 2383  
pleas, division of domestic relations. The judge shall be 2384  
assigned all divorce, dissolution of marriage, legal separation, 2385  
and annulment cases, all cases arising under Chapter 3111. of 2386  
the Revised Code, all proceedings involving child support, the 2387  
allocation of ~~parental rights and~~ parenting responsibilities ~~for~~ 2388  
~~the care of children under a parenting plan~~ and the designation 2389  
for the children of a place of residence and legal custodian, ~~parenting time,~~ 2390  
companionship or visitation, and all post- 2391  
decree proceedings and matters arising from those cases and 2392  
proceedings, except in cases that for some special reason are 2393  
assigned to another judge of the court of common pleas. The 2394

judge also has concurrent jurisdiction with the probate-juvenile 2395  
division of the court of common pleas of Fairfield county with 2396  
respect to and may hear cases to determine the custody of a 2397  
child, as defined in section 2151.011 of the Revised Code, who 2398  
is not the ward of another court of this state, cases that are 2399  
commenced by a parent, guardian, or custodian of a child, as 2400  
defined in section 2151.011 of the Revised Code, to obtain an 2401  
order requiring a parent of the child to pay child support for 2402  
that child when the request for that order is not ancillary to 2403  
an action for divorce, dissolution of marriage, annulment, or 2404  
legal separation, a criminal or civil action involving an 2405  
allegation of domestic violence, an action for support under 2406  
Chapter 3115. of the Revised Code, or an action that is within 2407  
the exclusive original jurisdiction of the probate-juvenile 2408  
division of the court of common pleas of Fairfield county and 2409  
that involves an allegation that the child is an abused, 2410  
neglected, or dependent child, and post-decree proceedings and 2411  
matters arising from those types of cases. 2412

The judge of the domestic relations division shall be 2413  
charged with the assignment and division of the work of the 2414  
division and with the employment and supervision of the 2415  
personnel of the division. 2416

The judge shall designate the title, compensation, expense 2417  
allowances, hours, leaves of absence, and vacations of the 2418  
personnel of the division and shall fix the duties of the 2419  
personnel of the division. The duties of the personnel of the 2420  
division, in addition to other statutory duties, shall include 2421  
the handling, servicing, and investigation of divorce, 2422  
dissolution of marriage, legal separation, and annulment cases, 2423  
cases arising under Chapter 3111. of the Revised Code, and 2424  
proceedings involving child support, the allocation of ~~parental~~ 2425

~~rights and parenting responsibilities for the care of children~~ 2426  
under a parenting plan and the designation for the children of a 2427  
place of residence and legal custodian, ~~parenting time,~~ and 2428  
companionship or visitation, and providing any counseling and 2429  
conciliation services that the division makes available to 2430  
persons, regardless of whether the persons are parties to an 2431  
action pending in the division, who request the services. When 2432  
the judge hears a case to determine the custody of a child, as 2433  
defined in section 2151.011 of the Revised Code, who is not the 2434  
ward of another court of this state or a case that is commenced 2435  
by a parent, guardian, or custodian of a child, as defined in 2436  
section 2151.011 of the Revised Code, to obtain an order 2437  
requiring a parent of the child to pay child support for that 2438  
child when the request for that order is not ancillary to an 2439  
action for divorce, dissolution of marriage, annulment, or legal 2440  
separation, a criminal or civil action involving an allegation 2441  
of domestic violence, an action for support under Chapter 3115. 2442  
of the Revised Code, or an action that is within the exclusive 2443  
original jurisdiction of the probate-juvenile division of the 2444  
court of common pleas of Fairfield county and that involves an 2445  
allegation that the child is an abused, neglected, or dependent 2446  
child, the duties of the personnel of the domestic relations 2447  
division also include the handling, servicing, and investigation 2448  
of those types of cases. 2449

(W) (1) In Clark county, the judge of the court of common 2450  
pleas whose term begins on January 2, 1995, and successors, 2451  
shall have the same qualifications, exercise the same powers and 2452  
jurisdiction, and receive the same compensation as other judges 2453  
of the court of common pleas of Clark county and shall be 2454  
elected and designated as judge of the court of common pleas, 2455  
domestic relations division. The judge shall have all the powers 2456

relating to juvenile courts, and all cases under Chapters 2151. 2457  
and 2152. of the Revised Code and all parentage proceedings 2458  
under Chapter 3111. of the Revised Code over which the juvenile 2459  
court has jurisdiction shall be assigned to the judge of the 2460  
division of domestic relations. All divorce, dissolution of 2461  
marriage, legal separation, annulment, uniform reciprocal 2462  
support enforcement, and other cases related to domestic 2463  
relations shall be assigned to the domestic relations division, 2464  
and the presiding judge of the court of common pleas shall 2465  
assign the cases to the judge of the domestic relations division 2466  
and the judges of the general division. 2467

(2) In addition to the judge's regular duties, the judge 2468  
of the division of domestic relations shall serve on the 2469  
children services board and the county advisory board. 2470

(3) If the judge of the court of common pleas of Clark 2471  
county, division of domestic relations, is sick, absent, or 2472  
unable to perform that judge's judicial duties or if the 2473  
presiding judge of the court of common pleas of Clark county 2474  
determines that the volume of cases pending in the division of 2475  
domestic relations necessitates it, the duties of the judge of 2476  
the division of domestic relations shall be performed by the 2477  
judges of the general division or probate division of the court 2478  
of common pleas of Clark county, as assigned for that purpose by 2479  
the presiding judge of that court, and the judges so assigned 2480  
shall act in conjunction with the judge of the division of 2481  
domestic relations of that court. 2482

(X) In Scioto county, the judge of the court of common 2483  
pleas whose term begins January 2, 1995, and successors, shall 2484  
have the same qualifications, exercise the same powers and 2485  
jurisdiction, and receive the same compensation as other judges 2486

of the court of common pleas of Scioto county and shall be 2487  
elected and designated as judge of the court of common pleas, 2488  
division of domestic relations. The judge shall be assigned all 2489  
divorce, dissolution of marriage, legal separation, and 2490  
annulment cases, all cases arising under Chapter 3111. of the 2491  
Revised Code, all proceedings involving child support, the 2492  
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 2493  
~~the care of children under a parenting plan~~ and the designation 2494  
for the children of a place of residence and legal custodian, ~~—~~ 2495  
~~parenting time, companionship or visitation~~, and all post-decree 2496  
proceedings and matters arising from those cases and 2497  
proceedings, except in cases that for some special reason are 2498  
assigned to another judge of the court of common pleas. The 2499  
judge shall be charged with the assignment and division of the 2500  
work of the division and with the employment and supervision of 2501  
the personnel of the division. 2502

The judge shall designate the title, compensation, expense 2503  
allowances, hours, leaves of absence, and vacations of the 2504  
personnel of the division and shall fix the duties of the 2505  
personnel of the division. The duties of the personnel, in 2506  
addition to other statutory duties, include the handling, 2507  
servicing, and investigation of divorce, dissolution of 2508  
marriage, legal separation, and annulment cases, cases arising 2509  
under Chapter 3111. of the Revised Code, and proceedings 2510  
involving child support, the allocation of ~~parental rights and~~ 2511  
~~parenting~~ responsibilities ~~for the care of children under a~~ 2512  
~~parenting plan~~ and the designation for the children of a place 2513  
of residence and legal custodian, ~~parenting time~~, and 2514  
~~companionship or visitation~~, and providing counseling and 2515  
conciliation services that the division makes available to 2516  
persons, whether or not the persons are parties to an action 2517

pending in the division, who request the services. 2518

(Y) In Auglaize county, the judge of the probate and 2519  
juvenile divisions of the Auglaize county court of common pleas 2520  
also shall be the administrative judge of the domestic relations 2521  
division of the court and shall be assigned all divorce, 2522  
dissolution of marriage, legal separation, and annulment cases 2523  
coming before the court. The judge shall have all powers as 2524  
administrator of the domestic relations division and shall have 2525  
charge of the personnel engaged in handling, servicing, or 2526  
investigating divorce, dissolution of marriage, legal 2527  
separation, and annulment cases, including any referees 2528  
considered necessary for the discharge of the judge's various 2529  
duties. 2530

(Z) (1) In Marion county, the judge of the court of common 2531  
pleas whose term begins on February 9, 1999, and the successors 2532  
to that judge, shall have the same qualifications, exercise the 2533  
same powers and jurisdiction, and receive the same compensation 2534  
as the other judges of the court of common pleas of Marion 2535  
county and shall be elected and designated as judge of the court 2536  
of common pleas, domestic relations-juvenile-probate division. 2537  
Except as otherwise specified in this division, that judge, and 2538  
the successors to that judge, shall have all the powers relating 2539  
to juvenile courts, and all cases under Chapters 2151. and 2152. 2540  
of the Revised Code, all cases arising under Chapter 3111. of 2541  
the Revised Code, all divorce, dissolution of marriage, legal 2542  
separation, and annulment cases, all proceedings involving child 2543  
support, the allocation of ~~parental rights and parenting~~ 2544  
responsibilities for the care of children under a parenting plan 2545  
and the designation for the children of a place of residence and 2546  
legal custodian, ~~parenting time,~~ and companionship or 2547  
visitation, and all post-decree proceedings and matters arising 2548

from those cases and proceedings shall be assigned to that judge 2549  
and the successors to that judge. Except as provided in division 2550  
(Z) (2) of this section and notwithstanding any other provision 2551  
of any section of the Revised Code, on and after February 9, 2552  
2003, the judge of the court of common pleas of Marion county 2553  
whose term begins on February 9, 1999, and the successors to 2554  
that judge, shall have all the powers relating to the probate 2555  
division of the court of common pleas of Marion county in 2556  
addition to the powers previously specified in this division, 2557  
and shall exercise concurrent jurisdiction with the judge of the 2558  
probate division of that court over all matters that are within 2559  
the jurisdiction of the probate division of that court under 2560  
Chapter 2101., and other provisions, of the Revised Code in 2561  
addition to the jurisdiction of the domestic relations-juvenile- 2562  
probate division of that court otherwise specified in division 2563  
(Z) (1) of this section. 2564

(2) The judge of the domestic relations-juvenile-probate 2565  
division of the court of common pleas of Marion county or the 2566  
judge of the probate division of the court of common pleas of 2567  
Marion county, whichever of those judges is senior in total 2568  
length of service on the court of common pleas of Marion county, 2569  
regardless of the division or divisions of service, shall serve 2570  
as the clerk of the probate division of the court of common 2571  
pleas of Marion county. 2572

(3) On and after February 9, 2003, all references in law 2573  
to "the probate court," "the probate judge," "the juvenile 2574  
court," or "the judge of the juvenile court" shall be construed, 2575  
with respect to Marion county, as being references to both "the 2576  
probate division" and "the domestic relations-juvenile-probate 2577  
division" and as being references to both "the judge of the 2578  
probate division" and "the judge of the domestic relations- 2579

juvenile-probate division." On and after February 9, 2003, all 2580  
references in law to "the clerk of the probate court" shall be 2581  
construed, with respect to Marion county, as being references to 2582  
the judge who is serving pursuant to division (Z)(2) of this 2583  
section as the clerk of the probate division of the court of 2584  
common pleas of Marion county. 2585

(AA) In Muskingum county, the judge of the court of common 2586  
pleas whose term begins on January 2, 2003, and successors, 2587  
shall have the same qualifications, exercise the same powers and 2588  
jurisdiction, and receive the same compensation as the other 2589  
judges of the court of common pleas of Muskingum county and 2590  
shall be elected and designated as the judge of the court of 2591  
common pleas, division of domestic relations. The judge shall be 2592  
assigned all divorce, dissolution of marriage, legal separation, 2593  
and annulment cases, all cases arising under Chapter 3111. of 2594  
the Revised Code, all proceedings involving child support, the 2595  
allocation of ~~parental rights and parenting responsibilities for~~ 2596  
~~the care of children under a parenting plan~~ and the designation 2597  
for the children of a place of residence and legal custodian, 2598  
~~parenting time,~~ and companionship or visitation, and all post- 2599  
decree proceedings and matters arising from those cases and 2600  
proceedings, except in cases that for some special reason are 2601  
assigned to another judge of the court of common pleas. The 2602  
judge shall be charged with the assignment and division of the 2603  
work of the division and with the employment and supervision of 2604  
the personnel of the division. 2605

The judge shall designate the title, compensation, expense 2606  
allowances, hours, leaves of absence, and vacations of the 2607  
personnel of the division and shall fix the duties of the 2608  
personnel of the division. The duties of the personnel of the 2609  
division, in addition to other statutory duties, shall include 2610



the handling, servicing, and investigation of divorce, 2611  
dissolution of marriage, legal separation, and annulment cases, 2612  
cases arising under Chapter 3111. of the Revised Code, and 2613  
proceedings involving child support, the allocation of ~~parental-~~ 2614  
~~rights and parenting responsibilities for the care of children-~~ 2615  
under a parenting plan and the designation for the children of a 2616  
place of residence and legal custodian, ~~parenting time,~~ and 2617  
companionship or visitation and providing any counseling and 2618  
conciliation services that the division makes available to 2619  
persons, whether or not the persons are parties to an action 2620  
pending in the division, who request the services. 2621

(BB) In Henry county, the judge of the court of common 2622  
pleas whose term begins on January 1, 2005, and successors, 2623  
shall have the same qualifications, exercise the same powers and 2624  
jurisdiction, and receive the same compensation as the other 2625  
judge of the court of common pleas of Henry county and shall be 2626  
elected and designated as the judge of the court of common 2627  
pleas, division of domestic relations. The judge shall have all 2628  
of the powers relating to juvenile courts, and all cases under 2629  
Chapter 2151. or 2152. of the Revised Code, all parentage 2630  
proceedings arising under Chapter 3111. of the Revised Code over 2631  
which the juvenile court has jurisdiction, all divorce, 2632  
dissolution of marriage, legal separation, and annulment cases, 2633  
all proceedings involving child support, the allocation of 2634  
~~parental rights and parenting responsibilities for the care of~~ 2635  
~~children~~ under a parenting plan and the designation for the 2636  
children of a place of residence and legal custodian, ~~parenting-~~ 2637  
~~time,~~ and companionship or visitation, and all post-decree 2638  
proceedings and matters arising from those cases and proceedings 2639  
shall be assigned to that judge, except in cases that for some 2640  
special reason are assigned to the other judge of the court of 2641

common pleas. 2642

(CC) (1) In Logan county, the judge of the court of common 2643  
pleas whose term begins January 2, 2005, and the successors to 2644  
that judge, shall have the same qualifications, exercise the 2645  
same powers and jurisdiction, and receive the same compensation 2646  
as the other judges of the court of common pleas of Logan county 2647  
and shall be elected and designated as judge of the court of 2648  
common pleas, family court division. Except as otherwise 2649  
specified in this division, that judge, and the successors to 2650  
that judge, shall have all the powers relating to juvenile 2651  
courts, and all cases under Chapters 2151. and 2152. of the 2652  
Revised Code, all cases arising under Chapter 3111. of the 2653  
Revised Code, all divorce, dissolution of marriage, legal 2654  
separation, and annulment cases, all proceedings involving child 2655  
support, the allocation of ~~parental rights and parenting~~ 2656  
~~responsibilities for the care of children under a parenting plan~~ 2657  
and designation for the children of a place of residence and 2658  
legal custodian, ~~parenting time,~~ and companionship or 2659  
visitation, and all post-decree proceedings and matters arising 2660  
from those cases and proceedings shall be assigned to that judge 2661  
and the successors to that judge. Notwithstanding any other 2662  
provision of any section of the Revised Code, on and after 2663  
January 2, 2005, the judge of the court of common pleas of Logan 2664  
county whose term begins on January 2, 2005, and the successors 2665  
to that judge, shall have all the powers relating to the probate 2666  
division of the court of common pleas of Logan county in 2667  
addition to the powers previously specified in this division and 2668  
shall exercise concurrent jurisdiction with the judge of the 2669  
probate division of that court over all matters that are within 2670  
the jurisdiction of the probate division of that court under 2671  
Chapter 2101., and other provisions, of the Revised Code in 2672

addition to the jurisdiction of the family court division of 2673  
that court otherwise specified in division (CC) (1) of this 2674  
section. 2675

(2) The judge of the family court division of the court of 2676  
common pleas of Logan county or the probate judge of the court 2677  
of common pleas of Logan county who is elected as the 2678  
administrative judge of the family court division of the court 2679  
of common pleas of Logan county pursuant to Rule 4 of the Rules 2680  
of Superintendence shall be the clerk of the family court 2681  
division of the court of common pleas of Logan county. 2682

(3) On and after April 5, 2019, all references in law to 2683  
"the probate court," "the probate judge," "the juvenile court," 2684  
or "the judge of the juvenile court" shall be construed, with 2685  
respect to Logan county, as being references to both "the 2686  
probate division" and the "family court division" and as being 2687  
references to both "the judge of the probate division" and the 2688  
"judge of the family court division." On and after April 5, 2689  
2019, all references in law to "the clerk of the probate court" 2690  
shall be construed, with respect to Logan county, as being 2691  
references to the judge who is serving pursuant to division (CC) 2692  
(2) of this section as the clerk of the family court division of 2693  
the court of common pleas of Logan county. 2694

(DD) (1) In Champaign county, the judge of the court of 2695  
common pleas whose term begins February 9, 2003, and the judge 2696  
of the court of common pleas whose term begins February 10, 2697  
2009, and the successors to those judges, shall have the same 2698  
qualifications, exercise the same powers and jurisdiction, and 2699  
receive the same compensation as the other judges of the court 2700  
of common pleas of Champaign county and shall be elected and 2701  
designated as judges of the court of common pleas, domestic 2702

relations-juvenile-probate division. Except as otherwise 2703  
specified in this division, those judges, and the successors to 2704  
those judges, shall have all the powers relating to juvenile 2705  
courts, and all cases under Chapters 2151. and 2152. of the 2706  
Revised Code, all cases arising under Chapter 3111. of the 2707  
Revised Code, all divorce, dissolution of marriage, legal 2708  
separation, and annulment cases, all proceedings involving child 2709  
support, the allocation of ~~parental rights and parenting~~ 2710  
~~responsibilities for the care of children under a parenting plan~~ 2711  
and the designation for the children of a place of residence and 2712  
legal custodian, ~~parenting time,~~ and companionship or 2713  
visitation, and all post-decree proceedings and matters arising 2714  
from those cases and proceedings shall be assigned to those 2715  
judges and the successors to those judges. Notwithstanding any 2716  
other provision of any section of the Revised Code, on and after 2717  
February 9, 2009, the judges designated by this division as 2718  
judges of the court of common pleas of Champaign county, 2719  
domestic relations-juvenile-probate division, and the successors 2720  
to those judges, shall have all the powers relating to probate 2721  
courts in addition to the powers previously specified in this 2722  
division and shall exercise jurisdiction over all matters that 2723  
are within the jurisdiction of probate courts under Chapter 2724  
2101., and other provisions, of the Revised Code in addition to 2725  
the jurisdiction of the domestic relations-juvenile-probate 2726  
division otherwise specified in division (DD)(1) of this 2727  
section. 2728

(2) On and after February 9, 2009, all references in law 2729  
to "the probate court," "the probate judge," "the juvenile 2730  
court," or "the judge of the juvenile court" shall be construed 2731  
with respect to Champaign county as being references to the 2732  
"domestic relations-juvenile-probate division" and as being 2733

references to the "judge of the domestic relations-juvenile-  
probate division." On and after February 9, 2009, all references  
in law to "the clerk of the probate court" shall be construed  
with respect to Champaign county as being references to the  
judge who is serving pursuant to Rule 4 of the Rules of  
Superintendence for the Courts of Ohio as the administrative  
judge of the court of common pleas, domestic relations-juvenile-  
probate division.

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

(FF) In Hardin county: 2759

(1) The judge of the court of common pleas whose term  
begins on January 1, 2023, and successors, shall have the same  
qualifications, exercise the same powers and jurisdiction, and  
receive the same compensation as the other judge of the court of

common pleas of Hardin county and shall be elected and 2764  
designated as the judge of the court of common pleas, division 2765  
of domestic relations. The judge shall have all of the powers 2766  
relating to juvenile courts, and all cases under Chapter 2151. 2767  
or 2152. of the Revised Code, all parentage proceedings arising 2768  
under Chapter 3111. of the Revised Code over which the juvenile 2769  
court has jurisdiction, all divorce, dissolution of marriage, 2770  
legal separation, and annulment cases, civil protection orders 2771  
issued under sections 2903.214 and 3113.31 of the Revised Code, 2772  
all proceedings involving child support, the allocation of 2773  
~~parental rights and parenting responsibilities for the care of~~ 2774  
~~children under a parenting plan~~ and the designation for the 2775  
children of a place of residence and legal custodian, ~~parenting~~ 2776  
~~time~~, and companionship or visitation, and all post-decree 2777  
proceedings and matters arising from those cases and proceedings 2778  
shall be assigned to that judge, except in cases that for some 2779  
special reason are assigned to the other judge of the court of 2780  
common pleas. 2781

(2) The judge of the court of common pleas, general 2782  
division, whose term begins on February 9, 2027, and successors, 2783  
shall have assigned to the judge, in addition to all matters 2784  
that are within the jurisdiction of the general division of the 2785  
court of common pleas, all matters that are within the 2786  
jurisdiction of the probate court under Chapter 2101., and other 2787  
provisions, of the Revised Code. 2788

(GG) If a judge of the court of common pleas, division of 2789  
domestic relations, or juvenile judge, of any of the counties 2790  
mentioned in this section is sick, absent, or unable to perform 2791  
that judge's judicial duties or the volume of cases pending in 2792  
the judge's division necessitates it, the duties of that judge 2793  
shall be performed by another judge of the court of common pleas 2794

of that county, assigned for that purpose by the presiding judge 2795  
of the court of common pleas of that county to act in place of 2796  
or in conjunction with that judge, as the case may require. 2797

**Sec. 2307.50.** (A) As used in this section: 2798

(1) "Child stealing crime" means a violation of sections 2799  
2905.01, 2905.02, 2905.03, and 2919.23 of the Revised Code or 2800  
section 2905.04 of the Revised Code as it existed prior to the 2801  
effective date of this amendment. 2802

(2) "Minor" means a person under eighteen years of age. 2803

(3) "Parental or guardianship interest" means that a 2804  
parent of a minor is the ~~residential-designated~~ parent and legal 2805  
custodian of the minor and has the ~~rights-responsibilities~~ 2806  
corresponding to that capacity, that a parent of a minor is the 2807  
parent other than the ~~residential-designated parent and legal~~ 2808  
~~custodian~~ of the minor and has a right of access to the minor, 2809  
that the parents of a minor have ~~parental rights and parenting~~ 2810  
responsibilities for the care of the minor and are the 2811  
~~residential-designated~~ parents and legal custodians of the 2812  
child, or that any other person has a right of custody or access 2813  
to a minor as ~~his~~ the minor's guardian or other custodian. 2814

(B) Except as provided in division (D) of this section, if 2815  
a minor is the victim of a child stealing crime and if, as a 2816  
result of that crime, the minor's parents, parent who is the 2817  
~~residential-designated~~ parent and legal custodian, parent who is 2818  
not the ~~residential-designated~~ parent and legal custodian, 2819  
guardian, or other custodian is deprived of a parental or 2820  
guardianship interest in the minor, the parents, parent who is 2821  
the ~~residential-designated~~ parent and legal custodian, parent 2822  
who is not the ~~residential-designated~~ parent and legal 2823

custodian, guardian, or other custodian may maintain a civil 2824  
action against the offender to recover damages for interference 2825  
with the parental or guardianship interest. In the civil action, 2826  
the plaintiffs may recover all of the following: 2827

(1) Full compensatory damages, including, but not limited 2828  
to, damages for the mental suffering and anguish incurred by the 2829  
plaintiffs, damages for the loss of society of the minor, and, 2830  
if applicable, damages for the loss of the minor's services and 2831  
damages for expenses incurred by the plaintiffs in locating or 2832  
recovering the minor; 2833

(2) Punitive damages; 2834

(3) Reasonable attorney's fees; 2835

(4) Costs of bringing the civil action. 2836

(C) In a civil action brought pursuant to this section, 2837  
the trier of fact may determine that the minor was the victim of 2838  
a child stealing crime and that the defendant committed the 2839  
crime, regardless of whether the defendant has been convicted of 2840  
or pleaded guilty to a child stealing crime. 2841

(D) This section does not create a civil action for one 2842  
parent against the other parent who commits a child stealing 2843  
crime against the parent's own child. 2844

**Sec. 2317.02.** The following persons shall not testify in 2845  
certain respects: 2846

(A) (1) An attorney, concerning a communication made to the 2847  
attorney by a client in that relation or concerning the 2848  
attorney's advice to a client, except that the attorney may 2849  
testify by express consent of the client or, if the client is 2850  
deceased, by the express consent of the surviving spouse or the 2851



executor or administrator of the estate of the deceased client. 2852  
However, if the client voluntarily reveals the substance of 2853  
attorney-client communications in a nonprivileged context or is 2854  
deemed by section 2151.421 of the Revised Code to have waived 2855  
any testimonial privilege under this division, the attorney may 2856  
be compelled to testify on the same subject. 2857

The testimonial privilege established under this division 2858  
does not apply concerning either of the following: 2859

(a) A communication between a client in a capital case, as 2860  
defined in section 2901.02 of the Revised Code, and the client's 2861  
attorney if the communication is relevant to a subsequent 2862  
ineffective assistance of counsel claim by the client alleging 2863  
that the attorney did not effectively represent the client in 2864  
the case; 2865

(b) A communication between a client who has since died 2866  
and the deceased client's attorney if the communication is 2867  
relevant to a dispute between parties who claim through that 2868  
deceased client, regardless of whether the claims are by testate 2869  
or intestate succession or by inter vivos transaction, and the 2870  
dispute addresses the competency of the deceased client when the 2871  
deceased client executed a document that is the basis of the 2872  
dispute or whether the deceased client was a victim of fraud, 2873  
undue influence, or duress when the deceased client executed a 2874  
document that is the basis of the dispute. 2875

(2) An attorney, concerning a communication made to the 2876  
attorney by a client in that relationship or the attorney's 2877  
advice to a client, except that if the client is an insurance 2878  
company, the attorney may be compelled to testify, subject to an 2879  
in camera inspection by a court, about communications made by 2880  
the client to the attorney or by the attorney to the client that 2881

are related to the attorney's aiding or furthering an ongoing or 2882  
future commission of bad faith by the client, if the party 2883  
seeking disclosure of the communications has made a prima-facie 2884  
showing of bad faith, fraud, or criminal misconduct by the 2885  
client. 2886

(B) (1) A physician, advanced practice registered nurse, or 2887  
dentist concerning a communication made to the physician, 2888  
advanced practice registered nurse, or dentist by a patient in 2889  
that relation or the advice of a physician, advanced practice 2890  
registered nurse, or dentist given to a patient, except as 2891  
otherwise provided in this division, division (B) (2), and 2892  
division (B) (3) of this section, and except that, if the patient 2893  
is deemed by section 2151.421 of the Revised Code to have waived 2894  
any testimonial privilege under this division, the physician or 2895  
advanced practice registered nurse may be compelled to testify 2896  
on the same subject. 2897

The testimonial privilege established under this division 2898  
does not apply, and a physician, advanced practice registered 2899  
nurse, or dentist may testify or may be compelled to testify, in 2900  
any of the following circumstances: 2901

(a) In any civil action, in accordance with the discovery 2902  
provisions of the Rules of Civil Procedure in connection with a 2903  
civil action, or in connection with a claim under Chapter 4123. 2904  
of the Revised Code, under any of the following circumstances: 2905

(i) If the patient or the guardian or other legal 2906  
representative of the patient gives express consent; 2907

(ii) If the patient is deceased, the spouse of the patient 2908  
or the executor or administrator of the patient's estate gives 2909  
express consent; 2910

(iii) If a medical claim, dental claim, chiropractic 2911  
claim, or optometric claim, as defined in section 2305.113 of 2912  
the Revised Code, an action for wrongful death, any other type 2913  
of civil action, or a claim under Chapter 4123. of the Revised 2914  
Code is filed by the patient, the personal representative of the 2915  
estate of the patient if deceased, or the patient's guardian or 2916  
other legal representative. 2917

(b) In any civil action concerning court-ordered treatment 2918  
or services received by a patient, if the court-ordered 2919  
treatment or services were ordered as part of a case plan 2920  
journalized under section 2151.412 of the Revised Code or the 2921  
court-ordered treatment or services are necessary or relevant to 2922  
dependency, neglect, or abuse or temporary or permanent custody 2923  
proceedings under Chapter 2151. of the Revised Code. 2924

(c) In any criminal action concerning any test or the 2925  
results of any test that determines the presence or 2926  
concentration of alcohol, a drug of abuse, a combination of 2927  
them, a controlled substance, or a metabolite of a controlled 2928  
substance in the patient's whole blood, blood serum or plasma, 2929  
breath, urine, or other bodily substance at any time relevant to 2930  
the criminal offense in question. 2931

(d) In any criminal action against a physician, advanced 2932  
practice registered nurse, or dentist. In such an action, the 2933  
testimonial privilege established under this division does not 2934  
prohibit the admission into evidence, in accordance with the 2935  
Rules of Evidence, of a patient's medical or dental records or 2936  
other communications between a patient and the physician, 2937  
advanced practice registered nurse, or dentist that are related 2938  
to the action and obtained by subpoena, search warrant, or other 2939  
lawful means. A court that permits or compels a physician, 2940

advanced practice registered nurse, or dentist to testify in 2941  
such an action or permits the introduction into evidence of 2942  
patient records or other communications in such an action shall 2943  
require that appropriate measures be taken to ensure that the 2944  
confidentiality of any patient named or otherwise identified in 2945  
the records is maintained. Measures to ensure confidentiality 2946  
that may be taken by the court include sealing its records or 2947  
deleting specific information from its records. 2948

(e) (i) If the communication was between a patient who has 2949  
since died and the deceased patient's physician, advanced 2950  
practice registered nurse, or dentist, the communication is 2951  
relevant to a dispute between parties who claim through that 2952  
deceased patient, regardless of whether the claims are by 2953  
testate or intestate succession or by inter vivos transaction, 2954  
and the dispute addresses the competency of the deceased patient 2955  
when the deceased patient executed a document that is the basis 2956  
of the dispute or whether the deceased patient was a victim of 2957  
fraud, undue influence, or duress when the deceased patient 2958  
executed a document that is the basis of the dispute. 2959

(ii) If neither the spouse of a patient nor the executor 2960  
or administrator of that patient's estate gives consent under 2961  
division (B) (1) (a) (ii) of this section, testimony or the 2962  
disclosure of the patient's medical records by a physician, 2963  
advanced practice registered nurse, dentist, or other health 2964  
care provider under division (B) (1) (e) (i) of this section is a 2965  
permitted use or disclosure of protected health information, as 2966  
defined in 45 C.F.R. 160.103, and an authorization or 2967  
opportunity to be heard shall not be required. 2968

(iii) Division (B) (1) (e) (i) of this section does not 2969  
require a mental health professional to disclose psychotherapy 2970

notes, as defined in 45 C.F.R. 164.501. 2971

(iv) An interested person who objects to testimony or 2972  
disclosure under division (B) (1) (e) (i) of this section may seek 2973  
a protective order pursuant to Civil Rule 26. 2974

(v) A person to whom protected health information is 2975  
disclosed under division (B) (1) (e) (i) of this section shall not 2976  
use or disclose the protected health information for any purpose 2977  
other than the litigation or proceeding for which the 2978  
information was requested and shall return the protected health 2979  
information to the covered entity or destroy the protected 2980  
health information, including all copies made, at the conclusion 2981  
of the litigation or proceeding. 2982

(2) (a) If any law enforcement officer submits a written 2983  
statement to a health care provider that states that an official 2984  
criminal investigation has begun regarding a specified person or 2985  
that a criminal action or proceeding has been commenced against 2986  
a specified person, that requests the provider to supply to the 2987  
officer copies of any records the provider possesses that 2988  
pertain to any test or the results of any test administered to 2989  
the specified person to determine the presence or concentration 2990  
of alcohol, a drug of abuse, a combination of them, a controlled 2991  
substance, or a metabolite of a controlled substance in the 2992  
person's whole blood, blood serum or plasma, breath, or urine at 2993  
any time relevant to the criminal offense in question, and that 2994  
conforms to section 2317.022 of the Revised Code, the provider, 2995  
except to the extent specifically prohibited by any law of this 2996  
state or of the United States, shall supply to the officer a 2997  
copy of any of the requested records the provider possesses. If 2998  
the health care provider does not possess any of the requested 2999  
records, the provider shall give the officer a written statement 3000

that indicates that the provider does not possess any of the 3001  
requested records. 3002

(b) If a health care provider possesses any records of the 3003  
type described in division (B) (2) (a) of this section regarding 3004  
the person in question at any time relevant to the criminal 3005  
offense in question, in lieu of personally testifying as to the 3006  
results of the test in question, the custodian of the records 3007  
may submit a certified copy of the records, and, upon its 3008  
submission, the certified copy is qualified as authentic 3009  
evidence and may be admitted as evidence in accordance with the 3010  
Rules of Evidence. Division (A) of section 2317.422 of the 3011  
Revised Code does not apply to any certified copy of records 3012  
submitted in accordance with this division. Nothing in this 3013  
division shall be construed to limit the right of any party to 3014  
call as a witness the person who administered the test to which 3015  
the records pertain, the person under whose supervision the test 3016  
was administered, the custodian of the records, the person who 3017  
made the records, or the person under whose supervision the 3018  
records were made. 3019

(3) (a) If the testimonial privilege described in division 3020  
(B) (1) of this section does not apply as provided in division 3021  
(B) (1) (a) (iii) of this section, a physician, advanced practice 3022  
registered nurse, or dentist may be compelled to testify or to 3023  
submit to discovery under the Rules of Civil Procedure only as 3024  
to a communication made to the physician, advanced practice 3025  
registered nurse, or dentist by the patient in question in that 3026  
relation, or the advice of the physician, advanced practice 3027  
registered nurse, or dentist given to the patient in question, 3028  
that related causally or historically to physical or mental 3029  
injuries that are relevant to issues in the medical claim, 3030  
dental claim, chiropractic claim, or optometric claim, action 3031

for wrongful death, other civil action, or claim under Chapter 3032  
4123. of the Revised Code. 3033

(b) If the testimonial privilege described in division (B) 3034  
(1) of this section does not apply to a physician, advanced 3035  
practice registered nurse, or dentist as provided in division 3036  
(B) (1) (c) of this section, the physician, advanced practice 3037  
registered nurse, or dentist, in lieu of personally testifying 3038  
as to the results of the test in question, may submit a 3039  
certified copy of those results, and, upon its submission, the 3040  
certified copy is qualified as authentic evidence and may be 3041  
admitted as evidence in accordance with the Rules of Evidence. 3042  
Division (A) of section 2317.422 of the Revised Code does not 3043  
apply to any certified copy of results submitted in accordance 3044  
with this division. Nothing in this division shall be construed 3045  
to limit the right of any party to call as a witness the person 3046  
who administered the test in question, the person under whose 3047  
supervision the test was administered, the custodian of the 3048  
results of the test, the person who compiled the results, or the 3049  
person under whose supervision the results were compiled. 3050

(4) The testimonial privilege described in division (B) (1) 3051  
of this section is not waived when a communication is made by a 3052  
physician or advanced practice registered nurse to a pharmacist 3053  
or when there is communication between a patient and a 3054  
pharmacist in furtherance of the physician-patient or advanced 3055  
practice registered nurse-patient relation. 3056

(5) (a) As used in divisions (B) (1) to (4) of this section, 3057  
"communication" means acquiring, recording, or transmitting any 3058  
information, in any manner, concerning any facts, opinions, or 3059  
statements necessary to enable a physician, advanced practice 3060  
registered nurse, or dentist to diagnose, treat, prescribe, or 3061

act for a patient. A "communication" may include, but is not 3062  
limited to, any medical or dental, office, or hospital 3063  
communication such as a record, chart, letter, memorandum, 3064  
laboratory test and results, x-ray, photograph, financial 3065  
statement, diagnosis, or prognosis. 3066

(b) As used in division (B) (2) of this section, "health 3067  
care provider" means a hospital, ambulatory care facility, long- 3068  
term care facility, pharmacy, emergency facility, or health care 3069  
practitioner. 3070

(c) As used in division (B) (5) (b) of this section: 3071

(i) "Ambulatory care facility" means a facility that 3072  
provides medical, diagnostic, or surgical treatment to patients 3073  
who do not require hospitalization, including a dialysis center, 3074  
ambulatory surgical facility, cardiac catheterization facility, 3075  
diagnostic imaging center, extracorporeal shock wave lithotripsy 3076  
center, home health agency, inpatient hospice, birthing center, 3077  
radiation therapy center, emergency facility, and an urgent care 3078  
center. "Ambulatory health care facility" does not include the 3079  
private office of a physician, advanced practice registered 3080  
nurse, or dentist, whether the office is for an individual or 3081  
group practice. 3082

(ii) "Emergency facility" means a hospital emergency 3083  
department or any other facility that provides emergency medical 3084  
services. 3085

(iii) "Health care practitioner" has the same meaning as 3086  
in section 4769.01 of the Revised Code. 3087

(iv) "Hospital" has the same meaning as in section 3727.01 3088  
of the Revised Code. 3089

(v) "Long-term care facility" means a nursing home, 3090



residential care facility, or home for the aging, as those terms 3091  
are defined in section 3721.01 of the Revised Code; a 3092  
residential facility licensed under section 5119.34 of the 3093  
Revised Code that provides accommodations, supervision, and 3094  
personal care services for three to sixteen unrelated adults; a 3095  
nursing facility, as defined in section 5165.01 of the Revised 3096  
Code; a skilled nursing facility, as defined in section 5165.01 3097  
of the Revised Code; and an intermediate care facility for 3098  
individuals with intellectual disabilities, as defined in 3099  
section 5124.01 of the Revised Code. 3100

(vi) "Pharmacy" has the same meaning as in section 4729.01 3101  
of the Revised Code. 3102

(d) As used in divisions (B) (1) and (2) of this section, 3103  
"drug of abuse" has the same meaning as in section 4506.01 of 3104  
the Revised Code. 3105

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 3106  
section apply to doctors of medicine, doctors of osteopathic 3107  
medicine, doctors of podiatry, advanced practice registered 3108  
nurses, and dentists. 3109

(7) Nothing in divisions (B) (1) to (6) of this section 3110  
affects, or shall be construed as affecting, the immunity from 3111  
civil liability conferred by section 307.628 of the Revised Code 3112  
or the immunity from civil liability conferred by section 3113  
2305.33 of the Revised Code upon physicians or advanced practice 3114  
registered nurses who report an employee's use of a drug of 3115  
abuse, or a condition of an employee other than one involving 3116  
the use of a drug of abuse, to the employer of the employee in 3117  
accordance with division (B) of that section. As used in 3118  
division (B) (7) of this section, "employee," "employer," and 3119  
"physician" have the same meanings as in section 2305.33 of the 3120

Revised Code and "advanced practice registered nurse" has the 3121  
same meaning as in section 4723.01 of the Revised Code. 3122

(C) (1) A cleric, when the cleric remains accountable to 3123  
the authority of that cleric's church, denomination, or sect, 3124  
concerning a confession made, or any information confidentially 3125  
communicated, to the cleric for a religious counseling purpose 3126  
in the cleric's professional character. The cleric may testify 3127  
by express consent of the person making the communication, 3128  
except when the disclosure of the information is in violation of 3129  
a sacred trust and except that, if the person voluntarily 3130  
testifies or is deemed by division (A) (4) (c) of section 2151.421 3131  
of the Revised Code to have waived any testimonial privilege 3132  
under this division, the cleric may be compelled to testify on 3133  
the same subject except when disclosure of the information is in 3134  
violation of a sacred trust. 3135

(2) As used in division (C) of this section: 3136

(a) "Cleric" means a member of the clergy, rabbi, priest, 3137  
Christian Science practitioner, or regularly ordained, 3138  
accredited, or licensed minister of an established and legally 3139  
cognizable church, denomination, or sect. 3140

(b) "Sacred trust" means a confession or confidential 3141  
communication made to a cleric in the cleric's ecclesiastical 3142  
capacity in the course of discipline enjoined by the church to 3143  
which the cleric belongs, including, but not limited to, the 3144  
Catholic Church, if both of the following apply: 3145

(i) The confession or confidential communication was made 3146  
directly to the cleric. 3147

(ii) The confession or confidential communication was made 3148  
in the manner and context that places the cleric specifically 3149

and strictly under a level of confidentiality that is considered 3150  
inviolable by canon law or church doctrine. 3151

(D) Husband or wife, concerning any communication made by 3152  
one to the other, or an act done by either in the presence of 3153  
the other, during coverture, unless the communication was made, 3154  
or act done, in the known presence or hearing of a third person 3155  
competent to be a witness; and such rule is the same if the 3156  
marital relation has ceased to exist; 3157

(E) A person who assigns a claim or interest, concerning 3158  
any matter in respect to which the person would not, if a party, 3159  
be permitted to testify; 3160

(F) A person who, if a party, would be restricted under 3161  
section 2317.03 of the Revised Code, when the property or thing 3162  
is sold or transferred by an executor, administrator, guardian, 3163  
trustee, heir, devisee, or legatee, shall be restricted in the 3164  
same manner in any action or proceeding concerning the property 3165  
or thing. 3166

(G) (1) A school guidance counselor who holds a valid 3167  
educator license from the state board of education as provided 3168  
for in section 3319.22 of the Revised Code, a person licensed 3169  
under Chapter 4757. of the Revised Code as a licensed 3170  
professional clinical counselor, licensed professional 3171  
counselor, social worker, independent social worker, marriage 3172  
and family therapist or independent marriage and family 3173  
therapist, or registered under Chapter 4757. of the Revised Code 3174  
as a social work assistant concerning a confidential 3175  
communication received from a client in that relation or the 3176  
person's advice to a client unless any of the following applies: 3177

(a) The communication or advice indicates clear and 3178

present danger to the client or other persons. For the purposes 3179  
of this division, cases in which there are indications of 3180  
present or past child abuse or neglect of the client constitute 3181  
a clear and present danger. 3182

(b) The client gives express consent to the testimony. 3183

(c) If the client is deceased, the surviving spouse or the 3184  
executor or administrator of the estate of the deceased client 3185  
gives express consent. 3186

(d) The client voluntarily testifies, in which case the 3187  
school guidance counselor or person licensed or registered under 3188  
Chapter 4757. of the Revised Code may be compelled to testify on 3189  
the same subject. 3190

(e) The court in camera determines that the information 3191  
communicated by the client is not germane to the counselor- 3192  
client, marriage and family therapist-client, or social worker- 3193  
client relationship. 3194

(f) A court, in an action brought against a school, its 3195  
administration, or any of its personnel by the client, rules 3196  
after an in-camera inspection that the testimony of the school 3197  
guidance counselor is relevant to that action. 3198

(g) The testimony is sought in a civil action and concerns 3199  
court-ordered treatment or services received by a patient as 3200  
part of a case plan journalized under section 2151.412 of the 3201  
Revised Code or the court-ordered treatment or services are 3202  
necessary or relevant to dependency, neglect, or abuse or 3203  
temporary or permanent custody proceedings under Chapter 2151. 3204  
of the Revised Code. 3205

(2) Nothing in division (G) (1) of this section shall 3206  
relieve a school guidance counselor or a person licensed or 3207

registered under Chapter 4757. of the Revised Code from the 3208  
requirement to report information concerning child abuse or 3209  
neglect under section 2151.421 of the Revised Code. 3210

(H) A mediator acting under a mediation order issued under 3211  
division (A) of section 3109.052 of the Revised Code or 3212  
otherwise issued in any proceeding for divorce, dissolution, 3213  
legal separation, annulment, or the allocation of ~~parental-~~ 3214  
~~rights and parenting responsibilities for the care of children,~~ 3215  
in any action or proceeding, other than a criminal, delinquency, 3216  
child abuse, child neglect, or dependent child action or 3217  
proceeding, that is brought by or against either parent who 3218  
takes part in mediation in accordance with the order and that 3219  
pertains to the mediation process, to any information discussed 3220  
or presented in the mediation process, to the allocation of 3221  
~~parental rights and parenting responsibilities for the care of-~~ 3222  
~~the parents' children,~~ or to the awarding of parenting time 3223  
~~rights under a parenting plan in~~ relation to their children; 3224

(I) A communications assistant, acting within the scope of 3225  
the communication assistant's authority, when providing 3226  
telecommunications relay service pursuant to section 4931.06 of 3227  
the Revised Code or Title II of the "Communications Act of 3228  
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 3229  
communication made through a telecommunications relay service. 3230  
Nothing in this section shall limit the obligation of a 3231  
communications assistant to divulge information or testify when 3232  
mandated by federal law or regulation or pursuant to subpoena in 3233  
a criminal proceeding. 3234

Nothing in this section shall limit any immunity or 3235  
privilege granted under federal law or regulation. 3236

(J) (1) A chiropractor in a civil proceeding concerning a 3237

communication made to the chiropractor by a patient in that 3238  
relation or the chiropractor's advice to a patient, except as 3239  
otherwise provided in this division. The testimonial privilege 3240  
established under this division does not apply, and a 3241  
chiropractor may testify or may be compelled to testify, in any 3242  
civil action, in accordance with the discovery provisions of the 3243  
Rules of Civil Procedure in connection with a civil action, or 3244  
in connection with a claim under Chapter 4123. of the Revised 3245  
Code, under any of the following circumstances: 3246

(a) If the patient or the guardian or other legal 3247  
representative of the patient gives express consent. 3248

(b) If the patient is deceased, the spouse of the patient 3249  
or the executor or administrator of the patient's estate gives 3250  
express consent. 3251

(c) If a medical claim, dental claim, chiropractic claim, 3252  
or optometric claim, as defined in section 2305.113 of the 3253  
Revised Code, an action for wrongful death, any other type of 3254  
civil action, or a claim under Chapter 4123. of the Revised Code 3255  
is filed by the patient, the personal representative of the 3256  
estate of the patient if deceased, or the patient's guardian or 3257  
other legal representative. 3258

(2) If the testimonial privilege described in division (J) 3259  
(1) of this section does not apply as provided in division (J) 3260  
(1)(c) of this section, a chiropractor may be compelled to 3261  
testify or to submit to discovery under the Rules of Civil 3262  
Procedure only as to a communication made to the chiropractor by 3263  
the patient in question in that relation, or the chiropractor's 3264  
advice to the patient in question, that related causally or 3265  
historically to physical or mental injuries that are relevant to 3266  
issues in the medical claim, dental claim, chiropractic claim, 3267

or optometric claim, action for wrongful death, other civil 3268  
action, or claim under Chapter 4123. of the Revised Code. 3269

(3) The testimonial privilege established under this 3270  
division does not apply, and a chiropractor may testify or be 3271  
compelled to testify, in any criminal action or administrative 3272  
proceeding. 3273

(4) As used in this division, "communication" means 3274  
acquiring, recording, or transmitting any information, in any 3275  
manner, concerning any facts, opinions, or statements necessary 3276  
to enable a chiropractor to diagnose, treat, or act for a 3277  
patient. A communication may include, but is not limited to, any 3278  
chiropractic, office, or hospital communication such as a 3279  
record, chart, letter, memorandum, laboratory test and results, 3280  
x-ray, photograph, financial statement, diagnosis, or prognosis. 3281

(K) (1) Except as provided under division (K) (2) of this 3282  
section, a critical incident stress management team member 3283  
concerning a communication received from an individual who 3284  
receives crisis response services from the team member, or the 3285  
team member's advice to the individual, during a debriefing 3286  
session. 3287

(2) The testimonial privilege established under division 3288  
(K) (1) of this section does not apply if any of the following 3289  
are true: 3290

(a) The communication or advice indicates clear and 3291  
present danger to the individual who receives crisis response 3292  
services or to other persons. For purposes of this division, 3293  
cases in which there are indications of present or past child 3294  
abuse or neglect of the individual constitute a clear and 3295  
present danger. 3296

(b) The individual who received crisis response services	3297
gives express consent to the testimony.	3298
(c) If the individual who received crisis response	3299
services is deceased, the surviving spouse or the executor or	3300
administrator of the estate of the deceased individual gives	3301
express consent.	3302
(d) The individual who received crisis response services	3303
voluntarily testifies, in which case the team member may be	3304
compelled to testify on the same subject.	3305
(e) The court in camera determines that the information	3306
communicated by the individual who received crisis response	3307
services is not germane to the relationship between the	3308
individual and the team member.	3309
(f) The communication or advice pertains or is related to	3310
any criminal act.	3311
(3) As used in division (K) of this section:	3312
(a) "Crisis response services" means consultation, risk	3313
assessment, referral, and on-site crisis intervention services	3314
provided by a critical incident stress management team to	3315
individuals affected by crisis or disaster.	3316
(b) "Critical incident stress management team member" or	3317
"team member" means an individual specially trained to provide	3318
crisis response services as a member of an organized community	3319
or local crisis response team that holds membership in the Ohio	3320
critical incident stress management network.	3321
(c) "Debriefing session" means a session at which crisis	3322
response services are rendered by a critical incident stress	3323
management team member during or after a crisis or disaster.	3324



(L) (1) Subject to division (L) (2) of this section and 3325  
except as provided in division (L) (3) of this section, an 3326  
employee assistance professional, concerning a communication 3327  
made to the employee assistance professional by a client in the 3328  
employee assistance professional's official capacity as an 3329  
employee assistance professional. 3330

(2) Division (L) (1) of this section applies to an employee 3331  
assistance professional who meets either or both of the 3332  
following requirements: 3333

(a) Is certified by the employee assistance certification 3334  
commission to engage in the employee assistance profession; 3335

(b) Has education, training, and experience in all of the 3336  
following: 3337

(i) Providing workplace-based services designed to address 3338  
employer and employee productivity issues; 3339

(ii) Providing assistance to employees and employees' 3340  
dependents in identifying and finding the means to resolve 3341  
personal problems that affect the employees or the employees' 3342  
performance; 3343

(iii) Identifying and resolving productivity problems 3344  
associated with an employee's concerns about any of the 3345  
following matters: health, marriage, family, finances, substance 3346  
abuse or other addiction, workplace, law, and emotional issues; 3347

(iv) Selecting and evaluating available community 3348  
resources; 3349

(v) Making appropriate referrals; 3350

(vi) Local and national employee assistance agreements; 3351

(vii) Client confidentiality.	3352
(3) Division (L)(1) of this section does not apply to any of the following:	3353 3354
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	3355 3356 3357 3358 3359
(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;	3360 3361 3362
(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;	3363 3364 3365 3366
(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;	3367 3368 3369
(e) A civil or criminal malpractice action brought against the employee assistance professional;	3370 3371
(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;	3372 3373 3374
(g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law.	3375 3376
<b>Sec. 2701.03.</b> (A) If a judge of the court of common pleas allegedly is interested in a proceeding pending before the court, allegedly is related to or has a bias or prejudice for or	3377 3378 3379

against a party to a proceeding pending before the court or a 3380  
party's counsel, or allegedly otherwise is disqualified to 3381  
preside in a proceeding pending before the court, any party to 3382  
the proceeding or the party's counsel may file an affidavit of 3383  
disqualification with the clerk of the supreme court in 3384  
accordance with division (B) of this section. 3385

(B) An affidavit of disqualification filed under section 3386  
2101.39, 2501.13, 2701.031, or 2743.041 of the Revised Code or 3387  
division (A) of this section shall be filed with the clerk of 3388  
the supreme court not less than seven calendar days before the 3389  
day on which the next hearing in the proceeding is scheduled and 3390  
shall include all of the following: 3391

(1) The specific allegations on which the claim of 3392  
interest, bias, prejudice, or disqualification is based and the 3393  
facts to support each of those allegations or, in relation to an 3394  
affidavit filed against a judge of a court of appeals, a 3395  
specific allegation that the judge presided in the lower court 3396  
in the same proceeding and the facts to support that allegation; 3397

(2) The jurat of a notary public or another person 3398  
authorized to administer oaths or affirmations; 3399

(3) A certificate indicating that a copy of the affidavit 3400  
has been served on the probate judge, judge of a court of 3401  
appeals, judge of a court of common pleas, judge of a municipal 3402  
or county court, or judge of the court of claims against whom 3403  
the affidavit is filed and on all other parties or their 3404  
counsel; 3405

(4) The date of the next scheduled hearing in the 3406  
proceeding or, if there is no hearing scheduled, a statement 3407  
that there is no hearing scheduled. 3408

(C) (1) Except as provided in division (C) (2) of this 3409  
section, when an affidavit of disqualification is presented to 3410  
the clerk of the supreme court for filing under division (B) of 3411  
this section, all of the following apply: 3412

(a) The clerk of the supreme court shall accept the 3413  
affidavit for filing and shall forward the affidavit to the 3414  
chief justice of the supreme court. 3415

(b) The supreme court shall send notice of the filing of 3416  
the affidavit to the probate court served by the judge if the 3417  
affidavit is filed against a probate court judge, to the clerk 3418  
of the court of appeals served by the judge if the affidavit is 3419  
filed against a judge of a court of appeals, to the clerk of the 3420  
court of common pleas served by the judge if the affidavit is 3421  
filed against a judge of a court of common pleas, to the clerk 3422  
of the municipal or county court served by the judge if the 3423  
affidavit is filed against a judge of a municipal or county 3424  
court, or to the clerk of the court of claims if the affidavit 3425  
is filed against a judge of the court of claims. 3426

(c) Upon receipt of the notice under division (C) (1) (b) of 3427  
this section, the probate court, the clerk of the court of 3428  
appeals, the clerk of the court of common pleas, the clerk of 3429  
the municipal or county court, or the clerk of the court of 3430  
claims shall enter the fact of the filing of the affidavit on 3431  
the docket of the probate court, the docket of the court of 3432  
appeals, the docket in the proceeding in the court of common 3433  
pleas, the docket ~~of~~ in the proceeding in the municipal or 3434  
county court, or the docket ~~of~~ in the proceeding in the court of 3435  
claims. 3436

(2) The clerk of the supreme court shall not accept an 3437  
affidavit of disqualification presented for filing under 3438

division (B) of this section if it is not timely presented for 3439  
filing or does not satisfy the requirements of divisions (B) (2), 3440  
(3), and (4) of this section. 3441

(D) (1) Except as provided in divisions (D) (2) to (4) of 3442  
this section, if the clerk of the supreme court accepts an 3443  
affidavit of disqualification for filing under divisions (B) and 3444  
(C) of this section, the affidavit deprives the judge against 3445  
whom the affidavit was filed of any authority to preside in the 3446  
proceeding until the chief justice of the supreme court, or a 3447  
justice of the supreme court designated by the chief justice, 3448  
rules on the affidavit pursuant to division (E) of this section. 3449

(2) A judge against whom an affidavit of disqualification 3450  
has been filed under divisions (B) and (C) of this section may 3451  
do any of the following that is applicable: 3452

(a) If, based on the scheduled hearing date, the affidavit 3453  
was not timely filed, the judge may preside in the proceeding. 3454

(b) If the proceeding is a domestic relations proceeding, 3455  
the judge may issue any temporary order relating to spousal 3456  
support pendente lite and the support, maintenance, and 3457  
allocation of ~~parental rights and parenting responsibilities for~~ 3458  
~~the care of children.~~ 3459

(c) If the proceeding pertains to a complaint brought 3460  
pursuant to Chapter 2151. or 2152. of the Revised Code, the 3461  
judge may issue any temporary order pertaining to the relation 3462  
and conduct of any other person toward a child who is the 3463  
subject of a complaint as the interest and welfare of the child 3464  
may require. 3465

(3) A judge against whom an affidavit of disqualification 3466  
has been filed under divisions (B) and (C) of this section may 3467

determine a matter that does not affect a substantive right of 3468  
any of the parties. 3469

(4) If the clerk of the supreme court accepts an affidavit 3470  
of disqualification for filing under divisions (B) and (C) of 3471  
this section, if the chief justice of the supreme court, or a 3472  
justice of the supreme court designated by the chief justice, 3473  
denies the affidavit of disqualification pursuant to division 3474  
(E) of this section, and if, after the denial, a second or 3475  
subsequent affidavit of disqualification regarding the same 3476  
judge and the same proceeding is filed by the same party who 3477  
filed or on whose behalf was filed the affidavit that was denied 3478  
or by counsel for the same party who filed or on whose behalf 3479  
was filed the affidavit that was denied, the judge against whom 3480  
the second or subsequent affidavit is filed may preside in the 3481  
proceeding prior to the ruling of the chief justice of the 3482  
supreme court, or a justice designated by the chief justice, on 3483  
the second or subsequent affidavit. 3484

(E) If the clerk of the supreme court accepts an affidavit 3485  
of disqualification for filing under divisions (B) and (C) of 3486  
this section and if the chief justice of the supreme court, or 3487  
any justice of the supreme court designated by the chief 3488  
justice, determines that the interest, bias, prejudice, or 3489  
disqualification alleged in the affidavit does not exist, the 3490  
chief justice or the designated justice shall issue an entry 3491  
denying the affidavit of disqualification. If the chief justice 3492  
of the supreme court, or any justice of the supreme court 3493  
designated by the chief justice, determines that the interest, 3494  
bias, prejudice, or disqualification alleged in the affidavit 3495  
exists, the chief justice or the designated justice shall issue 3496  
an entry that disqualifies that judge from presiding in the 3497  
proceeding and either order that the proceeding be assigned to 3498

another judge of the court of which the disqualified judge is a 3499  
member pursuant to the court's random assignment process, to a 3500  
judge of another court, or to a retired judge. 3501

**Sec. 2705.031.** (A) As used in this section, "Title IV-D 3502  
case" has the same meaning as in section 3125.01 of the Revised 3503  
Code. 3504

(B) (1) Any party who has a legal claim to any support 3505  
ordered for a child, spouse, or former spouse may initiate a 3506  
contempt action for failure to pay the support. In Title IV-D 3507  
cases, the contempt action for failure to pay support also may 3508  
be initiated by an attorney retained by the party who has the 3509  
legal claim, the prosecuting attorney, or an attorney of the 3510  
department of job and family services or the child support 3511  
enforcement agency. 3512

(2) Any parent who is granted parenting time ~~rights~~ under 3513  
a parenting ~~time order or decree~~ issued pursuant to plan as 3514  
described in section 3109.051-3109.044 or 3109.12 of the Revised 3515  
Code, or any person who is granted companionship or visitation 3516  
rights under a companionship or visitation order or decree 3517  
issued pursuant to section ~~3109.051~~3109.054, 3109.11, or 3109.12 3518  
of the Revised Code or pursuant to any other provision of the 3519  
Revised Code, ~~or any other person who is subject to any~~ 3520  
~~parenting time or visitation order or decree~~, may initiate a 3521  
contempt action for a failure to comply with, or an interference 3522  
with, the order or decree. 3523

(C) In any contempt action initiated pursuant to division 3524  
(B) of this section, the accused shall appear upon the summons 3525  
and order to appear that is issued by the court. The summons 3526  
shall include all of the following: 3527

(1) Notice that failure to appear may result in the 3528  
issuance of an order of arrest, and in cases involving alleged 3529  
failure to pay support, the issuance of an order for the payment 3530  
of support by withholding an amount from the personal earnings 3531  
of the accused or by withholding or deducting an amount from 3532  
some other asset of the accused; 3533

(2) Notice that the accused has a right to counsel, and 3534  
that if indigent, the accused must apply for a public defender 3535  
or court appointed counsel within three business days after 3536  
receipt of the summons; 3537

(3) Notice that the court may refuse to grant a 3538  
continuance at the time of the hearing for the purpose of the 3539  
accused obtaining counsel, if the accused fails to make a good 3540  
faith effort to retain counsel or to obtain a public defender; 3541

(4) Notice of the potential penalties that could be 3542  
imposed upon the accused, if the accused is found guilty of 3543  
contempt for failure to pay support or for a failure to comply 3544  
with, or an interference with, ~~a~~ parenting time under a 3545  
parenting plan or a companionship or visitation order ~~or decree~~; 3546

(5) Notice that the court may grant limited driving 3547  
privileges under section 4510.021 of the Revised Code pursuant 3548  
to a request made by the accused, if the driver's license was 3549  
suspended based on a notice issued pursuant to section 3123.54 3550  
of the Revised Code by the child support enforcement agency and 3551  
if the request is accompanied by a recent noncertified copy of a 3552  
driver's abstract from the registrar of motor vehicles. 3553

(D) If the accused is served as required by the Rules of 3554  
Civil Procedure or by any special statutory proceedings that are 3555  
relevant to the case, the court may order the attachment of the 3556



person of the accused upon failure to appear as ordered by the 3557  
court. 3558

(E) The imposition of any penalty for contempt under 3559  
section 2705.05 of the Revised Code shall not eliminate any 3560  
obligation of the accused to pay any past, present, or future 3561  
support obligation or any obligation of the accused to comply 3562  
with or refrain from interfering with ~~the parenting time~~ under a 3563  
parenting plan or a companionship or visitation order ~~or decree~~. 3564  
The court shall have jurisdiction to make a finding of contempt 3565  
for the failure to pay support and to impose the penalties set 3566  
forth in section 2705.05 of the Revised Code in all cases in 3567  
which past due support is at issue even if the duty to pay 3568  
support has terminated, and shall have jurisdiction to make a 3569  
finding of contempt for a failure to comply with, or an 3570  
interference with, ~~a parenting time~~ under a parenting plan or a 3571  
companionship or visitation order ~~or decree~~ and to impose the 3572  
penalties set forth in section 2705.05 of the Revised Code in 3573  
all cases in which the failure or interference is at issue even 3574  
if the parenting time or companionship or visitation order or 3575  
decree no longer is in effect. 3576

**Sec. 2901.30.** (A) As used in sections 2901.30 to 2901.32 3577  
of the Revised Code: 3578

(1) "Information" means information that can be integrated 3579  
into the computer system and that relates to the physical or 3580  
mental description of a minor including, but not limited to, 3581  
height, weight, color of hair and eyes, use of eyeglasses or 3582  
contact lenses, skin coloring, physical or mental disabilities, 3583  
special medical conditions or needs, abnormalities, problems, 3584  
scars and marks, and distinguishing characteristics, and other 3585  
information that could assist in identifying a minor including, 3586

but not limited to, full name and nickname, date and place of 3587  
birth, age, names and addresses of parents and other relatives, 3588  
fingerprints, dental records, photographs, social security 3589  
number, driver's license number, credit card numbers, bank 3590  
account numbers, and clothing. 3591

(2) "Minor" means a person under eighteen years of age. 3592

(3) "Missing children" or "missing child" means either of 3593  
the following: 3594

(a) A minor who has run away from or who otherwise is 3595  
missing from the home of, or the care, custody, and control of, 3596  
the minor's parents, parent who is the ~~residential-designated~~ 3597  
parent and legal custodian, guardian, legal custodian, or other 3598  
person having responsibility for the care of the minor; 3599

(b) A minor who is missing and about whom there is reason 3600  
to believe the minor could be the victim of a violation of 3601  
section 2905.01, 2905.02, 2905.03, or 2919.23 of the Revised 3602  
Code or of a violation of section 2905.04 of the Revised Code as 3603  
it existed prior to July 1, 1996. 3604

(B) When a law enforcement agency in this state that has 3605  
jurisdiction in the matter is informed that a minor is or may be 3606  
a missing child and that the person providing the information 3607  
wishes to file a missing child report, the law enforcement 3608  
agency shall take that report. Upon taking the report, the law 3609  
enforcement agency shall take prompt action upon it, including, 3610  
but not limited to, concerted efforts to locate the missing 3611  
child. No law enforcement agency in this state shall have a rule 3612  
or policy that prohibits or discourages the filing of or the 3613  
taking of action upon a missing child report, within a specified 3614  
period following the discovery or formulation of a belief that a 3615

minor is or could be a missing child. 3616

(C) If a missing child report is made to a law enforcement 3617  
agency in this state that has jurisdiction in the matter, the 3618  
law enforcement agency shall gather readily available 3619  
information about the missing child and integrate it into the 3620  
national crime information center computer immediately following 3621  
the making of the report. The law enforcement agency shall make 3622  
reasonable efforts to acquire additional information about the 3623  
missing child following the transmittal of the initially 3624  
available information, and promptly integrate any additional 3625  
information acquired into such computer systems. 3626

Whenever a law enforcement agency integrates information 3627  
about a missing child into the national crime information center 3628  
computer, the law enforcement agency promptly shall notify the 3629  
missing child's parents, parent who is the ~~residential-~~ 3630  
designated parent and legal custodian, guardian, or legal 3631  
custodian, or any other person responsible for the care of the 3632  
missing child, that it has so integrated the information. 3633

The parents, parent who is the ~~residential-~~designated 3634  
parent and legal custodian, guardian, legal custodian, or other 3635  
person responsible for the care of the missing child shall 3636  
provide available information upon request, and may provide 3637  
information voluntarily, to the law enforcement agency during 3638  
the information gathering process. The law enforcement agency 3639  
also may obtain available information about the missing child 3640  
from other persons, subject to constitutional and statutory 3641  
limitations. 3642

(D) Upon the filing of a missing child report, the law 3643  
enforcement agency involved may notify the public or nonpublic 3644  
school in which the missing child is or was most recently 3645

enrolled, as ascertained by the agency, that the child is the 3646  
subject of a missing child report and that the child's school 3647  
records are to be marked in accordance with section 3313.672 of 3648  
the Revised Code. 3649

(E) Upon the filing of a missing child report, the law 3650  
enforcement agency involved promptly shall make a reasonable 3651  
attempt to notify other law enforcement agencies within its 3652  
county and, if the agency has jurisdiction in a municipal 3653  
corporation or township that borders another county, to notify 3654  
the law enforcement agency for the municipal corporation or 3655  
township in the other county with which it shares the border, 3656  
that it has taken a missing child report and may be requesting 3657  
assistance or cooperation in the case, and provide relevant 3658  
information to the other law enforcement agencies. The agency 3659  
may notify additional law enforcement agencies, or appropriate 3660  
public children services agencies, about the case, request their 3661  
assistance or cooperation in the case, and provide them with 3662  
relevant information. 3663

Upon request from a law enforcement agency, a public 3664  
children services agency shall grant the law enforcement agency 3665  
access to all information concerning a missing child that the 3666  
agency possesses that may be relevant to the law enforcement 3667  
agency in investigating a missing child report concerning that 3668  
child. The information obtained by the law enforcement agency 3669  
shall be used only to further the investigation to locate the 3670  
missing child. 3671

(F) Upon request, law enforcement agencies in this state 3672  
shall provide assistance to, and cooperate with, other law 3673  
enforcement agencies in their investigation of missing child 3674  
cases. The assistance and cooperation under this paragraph shall 3675

be pursuant to any terms agreed upon by the law enforcement 3676  
agencies, which may include the provision of law enforcement 3677  
services or the use of law enforcement equipment or the 3678  
interchange of services and equipment among the cooperating law 3679  
enforcement agencies. Chapter 2744. of the Revised Code, insofar 3680  
as it applies to the operation of law enforcement agencies, 3681  
shall apply to the cooperating political subdivisions and to the 3682  
law enforcement agency employees when they are rendering 3683  
services pursuant to this paragraph outside the territory of the 3684  
political subdivision by which they are employed. Law 3685  
enforcement agency employees rendering services outside the 3686  
territory of the political subdivision in which they are 3687  
employed, pursuant to this paragraph, shall be entitled to 3688  
participate in any indemnity fund established by their employer 3689  
to the same extent as if they were rendering service within the 3690  
territory of their employing political subdivision. Those law 3691  
enforcement agency employees also shall be entitled to all the 3692  
rights and benefits of Chapter 4123. of the Revised Code to the 3693  
same extent as if rendering services within the territory of 3694  
their employing political subdivision. 3695

The information in any missing child report made to a law 3696  
enforcement agency shall be made available, upon request, to law 3697  
enforcement personnel of this state, other states, and the 3698  
federal government when the law enforcement personnel indicate 3699  
that the request is to aid in identifying or locating a missing 3700  
child or the possible identification of a deceased minor who, 3701  
upon discovery, cannot be identified. 3702

(G) When a missing child has not been located within 3703  
thirty days after the date on which the missing child report 3704  
pertaining to the child was filed with a law enforcement agency, 3705  
that law enforcement agency shall request the missing child's 3706

parents, parent who is the ~~residential-designated~~ parent and 3707  
legal custodian, guardian, or legal custodian, or any other 3708  
person responsible for the care of the missing child, to provide 3709  
written consent for the law enforcement agency to contact the 3710  
missing child's dentist and request the missing child's dental 3711  
records. Upon receipt of such written consent, the dentist shall 3712  
release a copy of the missing child's dental records to the law 3713  
enforcement agency and shall provide and encode the records in 3714  
such form as requested by the law enforcement agency. The law 3715  
enforcement agency then shall integrate information in the 3716  
records into the national crime information center computer in 3717  
order to compare the records to those of unidentified deceased 3718  
persons. This division does not prevent a law enforcement agency 3719  
from seeking consent to obtain copies of a missing child's 3720  
dental records, or prevent a missing child's parents, parent who 3721  
is the ~~residential-designated~~ parent and legal custodian, 3722  
guardian, or legal custodian, or any other person responsible 3723  
for the care of the missing child, from granting consent for the 3724  
release of copies of the missing child's dental records to a law 3725  
enforcement agency, at any time. 3726

(H) A missing child's parents, parent who is the 3727  
~~residential-designated~~ parent and legal custodian, guardian, or 3728  
legal custodian, or any other persons responsible for the care 3729  
of a missing child, immediately shall notify the law enforcement 3730  
agency with which they filed the missing child report whenever 3731  
the child has returned to their home or to their care, custody, 3732  
and control, has been released if the missing child was the 3733  
victim of an offense listed in division (A) (3) (b) of this 3734  
section, or otherwise has been located. Upon such notification 3735  
or upon otherwise learning that a missing child has returned to 3736  
the home of, or to the care, custody, and control of the missing 3737

child's parents, parent who is the ~~residential-designated~~ parent 3738  
and legal custodian, guardian, legal custodian, or other person 3739  
responsible for the missing child's care, has been released if 3740  
the missing child was the victim of an offense listed in 3741  
division (A) (3) (b) of this section, or otherwise has been 3742  
located, the law enforcement agency involved promptly shall 3743  
integrate the fact that the minor no longer is a missing child 3744  
into the national crime information center computer and shall 3745  
inform any school that was notified under division (D) of this 3746  
section that the minor is no longer a missing child. 3747

**Sec. 3101.041.** In determining whether to file the consent 3748  
under section 3101.04 of the Revised Code, the juvenile court 3749  
shall do all of the following: 3750

(A) Consult with any of the following for each party to 3751  
the intended marriage who is seventeen years of age: 3752

(1) A parent; 3753

(2) A surviving parent; 3754

(3) A parent who is the designated ~~the residential~~ parent 3755  
and legal custodian by a court of competent jurisdiction; 3756

(4) A guardian; 3757

(5) Either of the following who has been awarded permanent 3758  
custody by a court exercising juvenile jurisdiction: 3759

(a) An adult person; 3760

(b) The department of children and youth or any child 3761  
welfare organization certified by the department. 3762

(B) Appoint an attorney as guardian ad litem for each 3763  
party to the intended marriage who is seventeen years of age; 3764

(C) Determine all of the following:	3765
(1) Each party to the intended marriage who is seventeen years of age has entered the armed services of the United States, has become employed and self-subsisting, or has otherwise become independent from the care and control of the party's parent, guardian, or custodian.	3766 3767 3768 3769 3770
(2) For each party to the intended marriage who is seventeen years of age, the decision of that party to marry is free from force or coercion.	3771 3772 3773
(3) The intended marriage and the emancipation under section 3101.042 of the Revised Code is in the best interests of each party to the intended marriage who is seventeen years of age.	3774 3775 3776 3777
<b>Sec. 3105.011.</b> (A) The court of common pleas including divisions of courts of domestic relations, has full equitable powers and jurisdiction appropriate to the determination of all domestic relations matters. This section is not a determination by the general assembly that such equitable powers and jurisdiction do not exist with respect to any such matter.	3778 3779 3780 3781 3782 3783
(B) For purposes of this section, "domestic relations matters" means both of the following:	3784 3785
(1) Any matter committed to the jurisdiction of the division of domestic relations of common pleas courts under section 2301.03 of the Revised Code, as well as a complaint for child support and allocation of <del>parental rights and parenting</del> responsibilities, including the enforcement and modification of such orders;	3786 3787 3788 3789 3790 3791
(2) Actions and proceedings under Chapters 3105., 3109., 3111., 3113., 3115., 3119., 3121., 3123., 3125., and 3127. of	3792 3793



the Revised Code, actions pursuant to section 2151.231 of the 3794  
Revised Code, all actions removed from the jurisdiction of the 3795  
juvenile court pursuant to section 2151.233 of the Revised Code, 3796  
and all matters transferred by the juvenile court pursuant to 3797  
section 2151.235 of the Revised Code. 3798

**Sec. 3105.21.** (A) Upon satisfactory proof of the causes in 3799  
the complaint for divorce, annulment, dissolution of marriage, 3800  
or legal separation, the court of common pleas shall make an 3801  
order for the disposition, care, and maintenance of the children 3802  
of the marriage, as is in their best interests, and in 3803  
accordance with ~~section~~ sections 3109.04 to 3109.0499 of the 3804  
Revised Code. 3805

(B) Upon the failure of proof of the causes in the 3806  
complaint, the court may make the order for the disposition, 3807  
care, and maintenance of any dependent child of the marriage as 3808  
is in the child's best interest, and in accordance with ~~section~~ 3809  
sections 3109.04 to 3109.0499 of the Revised Code. 3810

(C) Any court of common pleas that makes or modifies an 3811  
order for child support under this section shall comply with 3812  
Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If 3813  
any person required to pay child support under an order made 3814  
under this section on or after April 15, 1985, or modified on or 3815  
after December 1, 1986, is found in contempt of court for 3816  
failure to make support payments under the order, the court that 3817  
makes the finding, in addition to any other penalty or remedy 3818  
imposed, shall assess all court costs arising out of the 3819  
contempt proceeding against the person and require the person to 3820  
pay any reasonable attorney's fees of any adverse party, as 3821  
determined by the court, that arose in relation to the act of 3822  
contempt. 3823

**Sec. 3105.63.** (A) (1) A petition for dissolution of 3824  
marriage shall be signed by both spouses and shall have attached 3825  
and incorporated a separation agreement agreed to by both 3826  
spouses. The separation agreement shall provide for a division 3827  
of all property; spousal support; ~~if there are minor children of~~ 3828  
~~the marriage, the allocation of parental rights and~~ 3829  
~~responsibilities for the care of the minor children, the~~ 3830  
~~designation of a residential parent and legal custodian of the~~ 3831  
~~minor children, child support, and parenting time rights; and,~~ 3832  
if the spouses so desire, an authorization for the court to 3833  
modify the amount or terms of spousal support, or the division 3834  
of property, provided in the separation agreement. If there are 3835  
minor children of the marriage, the spouses ~~may shall~~ address 3836  
the allocation of ~~the parental rights and parenting~~ 3837  
~~responsibilities for the care of the minor children by including~~ 3838  
~~in attaching a parenting plan to the separation agreement a plan~~ 3839  
under which both parents will have shared ~~rights and parenting~~ 3840  
responsibilities for the care of the minor children. The spouses 3841  
shall file the plan with the petition for dissolution of 3842  
marriage and shall include in the plan the provisions described 3843  
in ~~division (C) of section 3109.04~~ 3109.044 of the Revised Code. 3844

(2) The division of property in the separation agreement 3845  
shall include any participant account, as defined in section 3846  
148.01 of the Revised Code, of either of the spouses, to the 3847  
extent of the following: 3848

(a) The moneys that have been deferred by a continuing 3849  
member or participating employee, as defined in that section, 3850  
and that have been transmitted to the Ohio public employees 3851  
deferred compensation board during the marriage and any income 3852  
that is derived from the investment of those moneys during the 3853  
marriage; 3854

(b) The moneys that have been deferred by an officer or 3855  
employee of a municipal corporation and that have been 3856  
transmitted to the governing board, administrator, depository, 3857  
or trustee of the deferred compensation program of the municipal 3858  
corporation during the marriage and any income that is derived 3859  
from the investment of those moneys during the marriage; 3860

(c) The moneys that have been deferred by an officer or 3861  
employee of a government unit, as defined in section 148.06 of 3862  
the Revised Code, and that have been transmitted to the 3863  
governing board, as defined in that section, during the marriage 3864  
and any income that is derived from the investment of those 3865  
moneys during the marriage. 3866

(3) The separation agreement shall not require or permit 3867  
the division or disbursement of the moneys and income described 3868  
in division (A) (2) of this section to occur in a manner that is 3869  
inconsistent with the law, rules, or plan governing the deferred 3870  
compensation program involved or prior to the time that the 3871  
spouse in whose name the participant account is maintained 3872  
commences receipt of the moneys and income credited to the 3873  
account in accordance with that law, rules, and plan. 3874

(B) An amended separation agreement may be filed at any 3875  
time prior to or during the hearing on the petition for 3876  
dissolution of marriage. Upon receipt of a petition for 3877  
dissolution of marriage, the court may cause an investigation to 3878  
be made pursuant to the Rules of Civil Procedure. 3879

(C) (1) If a petition for dissolution of marriage contains 3880  
an authorization for the court to modify the amount or terms of 3881  
spousal support provided in the separation agreement, the 3882  
modification shall be in accordance with section 3105.18 of the 3883  
Revised Code. 3884

(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 made with the express written consent or agreement of both spouses.

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

(B) If, upon review of the testimony of both spouses and of the report of the investigator pursuant to the Rules of Civil Procedure, the court approves the separation agreement and any amendments to it agreed upon by the parties, it shall grant a decree of dissolution of marriage that incorporates the separation agreement. If the separation agreement contains a ~~plan for the exercise of shared a parenting by the spouses~~plan, the court shall review the plan in accordance with the provisions of ~~division (D) (1) of section 3109.04~~sections 3109.046 and 3109.049 of the Revised Code that govern the review of a pleading or motion requesting ~~shared a parenting plan~~ jointly submitted by both spouses to a marriage. A decree of dissolution of marriage has the same effect upon the property rights of the parties, including rights of dower and inheritance, as a decree of divorce. The court has full power to enforce its decree and retains jurisdiction to modify all matters pertaining to the allocation of ~~parental rights and parenting responsibilities for the care of the children~~, to the designation of a ~~residential designated~~ parent and legal

custodian of the children, to child support, to parenting time 3916  
of parents or legal custodians with the children, and to 3917  
companionship or visitation for persons who are not the 3918  
children's parents. The court, only in accordance with division 3919  
(E) (2) of section 3105.18 of the Revised Code, may modify the 3920  
amount or terms of spousal support. The court may modify the 3921  
division of property provided in the separation agreement only 3922  
upon the express written consent or agreement of both spouses. 3923

(C) At any time before a decree of dissolution of marriage 3924  
has been granted under division (B) of this section, either 3925  
spouse may convert the action for dissolution of marriage into a 3926  
divorce action by filing a motion with the court in which the 3927  
action for dissolution of marriage is pending for conversion of 3928  
the action for dissolution of marriage. The motion shall contain 3929  
a complaint for divorce that contains grounds for a divorce and 3930  
that otherwise complies with the Rules of Civil Procedure and 3931  
this chapter. The divorce action then shall proceed in 3932  
accordance with the Rules of Civil Procedure in the same manner 3933  
as if the motion had been the original complaint in the action, 3934  
including, but not limited to, the issuance and service of 3935  
summons pursuant to Civil Rules 4 to 4.6, except that no court 3936  
fees shall be charged upon conversion of the action for 3937  
dissolution of marriage into a divorce action under this 3938  
division. 3939

**Sec. 3109.03.** When ~~husband and wife~~ parents are living 3940  
separate and apart from each other, or are divorced, and the 3941  
~~question as to the parental rights and~~ issue of the allocation 3942  
~~of parenting responsibilities for the care of their children and~~ 3943  
~~the place of residence and legal custodian of their children is~~ 3944  
brought before a court of competent jurisdiction, ~~they shall~~ 3945  
~~stand upon an equality as to the parental rights and~~ 3946

~~responsibilities for the care of their children and the place of~~ 3947  
~~residence and legal custodian of their children, so far as~~ 3948  
~~parenthood is involved~~the best interest of a child shall be 3949  
paramount. The court shall not give preference to a parent or 3950  
legal custodian because of that parent's or legal custodian's 3951  
financial status or gender. 3952

**Sec. 3109.04.** (A) ~~In any divorce, legal separation, or~~ 3953  
~~annulment proceeding and in any proceeding pertaining to the~~ 3954  
~~allocation of parental rights and responsibilities for the care~~ 3955  
~~of a child, upon hearing the testimony of either or both parents~~ 3956  
~~and considering any mediation report filed pursuant to section~~ 3957  
~~3109.052 of the Revised Code and in accordance with sections~~ 3958  
~~3127.01 to 3127.53 of the Revised Code, the court shall allocate~~ 3959  
~~the parental rights and responsibilities for the care of the~~ 3960  
~~minor children of the marriage. Subject to division (D) (2) of~~ 3961  
~~this section, the court may allocate the parental rights and~~ 3962  
~~responsibilities for the care of the children in either of the~~ 3963  
~~following ways:~~ 3964

~~(1) If neither parent files a pleading or motion in~~ 3965  
~~accordance with division (G) of this section, if at least one~~ 3966  
~~parent files a pleading or motion under that division but no~~ 3967  
~~parent who filed a pleading or motion under that division also~~ 3968  
~~files a plan for shared parenting, or if at least one parent~~ 3969  
~~files both a pleading or motion and a shared parenting plan~~ 3970  
~~under that division but no plan for shared parenting is in the~~ 3971  
~~best interest of the children, the court, in a manner consistent~~ 3972  
~~with the best interest of the children, shall allocate the~~ 3973  
~~parental rights and responsibilities for the care of the~~ 3974  
~~children primarily to one of the parents, designate that parent~~ 3975  
~~as the residential parent and the legal custodian of the child,~~ 3976  
~~and divide between the parents the other rights and~~ 3977

~~responsibilities for the care of the children, including, but not limited to, the responsibility to provide support for the children and the right of the parent who is not the residential parent to have continuing contact with the children.~~ 3978  
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~~(2) If at least one parent files a pleading or motion in accordance with division (G) of this section and a plan for shared parenting pursuant to that division and if a plan for shared parenting is in the best interest of the children and is approved by the court in accordance with division (D) (1) of this section, the court may allocate the parental rights and responsibilities for the care of the children to both parents and issue a shared parenting order requiring the parents to share all or some of the aspects of the physical and legal care of the children in accordance with the approved plan for shared parenting. If the court issues a shared parenting order under this division and it is necessary for the purpose of receiving 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.~~ 3982  
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~~(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~~ 4000  
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~~making of that allocation, the court, in its discretion, may~~ 4009  
~~and, upon the request of either party, shall interview in~~ 4010  
~~chambers any or all of the involved children regarding their~~ 4011  
~~wishes and concerns with respect to the allocation.~~ 4012

~~(2) If the court interviews any child pursuant to division~~ 4013  
~~(B) (1) of this section, all of the following apply:~~ 4014

~~(a) The court, in its discretion, may and, upon the motion~~ 4015  
~~of either parent, shall appoint a guardian ad litem for the~~ 4016  
~~child.~~ 4017

~~(b) The court first shall determine the reasoning ability~~ 4018  
~~of the child. If the court determines that the child does not~~ 4019  
~~have sufficient reasoning ability to express the child's wishes~~ 4020  
~~and concern with respect to the allocation of parental rights~~ 4021  
~~and responsibilities for the care of the child, it shall not~~ 4022  
~~determine the child's wishes and concerns with respect to the~~ 4023  
~~allocation. If the court determines that the child has~~ 4024  
~~sufficient reasoning ability to express the child's wishes or~~ 4025  
~~concerns with respect to the allocation, it then shall determine~~ 4026  
~~whether, because of special circumstances, it would not be in~~ 4027  
~~the best interest of the child to determine the child's wishes~~ 4028  
~~and concerns with respect to the allocation. If the court~~ 4029  
~~determines that, because of special circumstances, it would not~~ 4030  
~~be in the best interest of the child to determine the child's~~ 4031  
~~wishes and concerns with respect to the allocation, it shall not~~ 4032  
~~determine the child's wishes and concerns with respect to the~~ 4033  
~~allocation and shall enter its written findings of fact and~~ 4034  
~~opinion in the journal. If the court determines that it would be~~ 4035  
~~in the best interests of the child to determine the child's~~ 4036  
~~wishes and concerns with respect to the allocation, it shall~~ 4037  
~~proceed to make that determination.~~ 4038



~~(c) The interview shall be conducted in chambers, and no person other than the child, the child's attorney, the judge, any necessary court personnel, and, in the judge's discretion, the attorney of each parent shall be permitted to be present in the chambers during the interview.~~ 4039  
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~~(3) No person shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the child's wishes and concerns regarding the allocation of parental rights and responsibilities concerning the child. No court, 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 or for purposes of resolving any issues related to the making of that allocation, shall accept or consider a written or recorded statement or affidavit that purports to set forth the child's wishes and concerns regarding those matters.~~ 4044  
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~~(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.~~ 4055  
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~~If the court determines that either parent previously has been convicted of or pleaded guilty to any criminal offense~~ 4067  
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~~involving any act that resulted in a child being a neglected- 4069  
child, that either parent previously has been determined to be- 4070  
the perpetrator of the neglectful act that is the basis of an- 4071  
adjudication that a child is a neglected child, or that there is- 4072  
reason to believe that either parent has acted in a manner- 4073  
resulting in a child being a neglected child, the court shall- 4074  
consider that fact against naming that parent the residential- 4075  
parent and against granting a shared parenting decree. When the- 4076  
court allocates parental rights and responsibilities for the- 4077  
care of children or determines whether to grant shared parenting- 4078  
in any proceeding, it shall consider whether either parent or- 4079  
any member of the household of either parent has been convicted- 4080  
of or pleaded guilty to a violation of section 2919.25 of the- 4081  
Revised Code or a sexually oriented offense involving a victim- 4082  
who at the time of the commission of the offense was a member of- 4083  
the family or household that is the subject of the proceeding,- 4084  
has been convicted of or pleaded guilty to any sexually oriented- 4085  
offense or other offense involving a victim who at the time of- 4086  
the commission of the offense was a member of the family or- 4087  
household that is the subject of the proceeding and caused- 4088  
physical harm to the victim in the commission of the offense, or- 4089  
has been determined to be the perpetrator of the abusive act- 4090  
that is the basis of an adjudication that a child is an abused- 4091  
child. If the court determines that either parent has been- 4092  
convicted of or pleaded guilty to a violation of section 2919.25- 4093  
of the Revised Code or a sexually oriented offense involving a- 4094  
victim who at the time of the commission of the offense was a- 4095  
member of the family or household that is the subject of the- 4096  
proceeding, has been convicted of or pleaded guilty to any- 4097  
sexually oriented offense or other offense involving a victim- 4098  
who at the time of the commission of the offense was a member of- 4099  
the family or household that is the subject of the proceeding- 4100~~

~~and caused physical harm to the victim in the commission of the~~ 4101  
~~offense, or has been determined to be the perpetrator of the~~ 4102  
~~abusive act that is the basis of an adjudication that a child is~~ 4103  
~~an abused child, it may designate that parent as the residential~~ 4104  
~~parent and may issue a shared parenting decree or order only if~~ 4105  
~~it determines that it is in the best interest of the child to~~ 4106  
~~name that parent the residential parent or to issue a shared~~ 4107  
~~parenting decree or order and it makes specific written findings~~ 4108  
~~of fact to support its determination.~~ 4109

~~(D) (1) (a) Upon the filing of a pleading or motion by~~ 4110  
~~either parent or both parents, in accordance with division (G)~~ 4111  
~~of this section, requesting shared parenting and the filing of a~~ 4112  
~~shared parenting plan in accordance with that division, the~~ 4113  
~~court shall comply with division (D) (1) (a) (i), (ii), or (iii) of~~ 4114  
~~this section, whichever is applicable.~~ 4115

~~(i) If both parents jointly make the request in their~~ 4116  
~~pleadings or jointly file the motion and also jointly file the~~ 4117  
~~plan, the court shall review the parents' plan to determine if~~ 4118  
~~it is in the best interest of the children. If the court~~ 4119  
~~determines that the plan is in the best interest of the~~ 4120  
~~children, the court shall approve it. If the court determines~~ 4121  
~~that the plan or any part of the plan is not in the best~~ 4122  
~~interest of the children, the court shall require the parents to~~ 4123  
~~make appropriate changes to the plan to meet the court's~~ 4124  
~~objections to it. If changes to the plan are made to meet the~~ 4125  
~~court's objections, and if the new plan is in the best interest~~ 4126  
~~of the children, the court shall approve the plan. If changes to~~ 4127  
~~the plan are not made to meet the court's objections, or if the~~ 4128  
~~parents attempt to make changes to the plan to meet the court's~~ 4129  
~~objections, but the court determines that the new plan or any~~ 4130  
~~part of the new plan still is not in the best interest of the~~ 4131

~~children, the court may reject the portion of the parents' pleadings or deny their motion requesting shared parenting of the children and proceed as if the request in the pleadings or the motion had not been made. The court shall not approve a plan under this division unless it determines that the plan is in the best interest of the children.~~ 4132  
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~~(ii) If each parent makes a request in the parent's pleadings or files a motion and each also files a separate plan, the court shall review each plan filed to determine if either 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 neither 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 of the 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~~ 4138  
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~~submitted changes, or if the court rejects the portion of the~~ 4163  
~~parents' pleadings or denies their motions requesting shared~~ 4164  
~~parenting under this division and proceeds as if the requests in~~ 4165  
~~the pleadings or the motions had not been made, the court shall~~ 4166  
~~enter in the record of the case findings of fact and conclusions~~ 4167  
~~of law as to the reasons for the approval or the rejection or~~ 4168  
~~denial. Division (D)(1)(b) of this section applies in relation~~ 4169  
~~to the approval or disapproval of a plan under this division.~~ 4170

~~(iii) If each parent makes a request in the parent's~~ 4171  
~~pleadings or files a motion but only one parent files a plan, or~~ 4172  
~~if only one parent makes a request in the parent's pleadings or~~ 4173  
~~files a motion and also files a plan, the court in the best~~ 4174  
~~interest of the children may order the other parent to file a~~ 4175  
~~plan for shared parenting in accordance with division (G) of~~ 4176  
~~this section. The court shall review each plan filed to~~ 4177  
~~determine if any plan is in the best interest of the children.~~ 4178  
~~If the court determines that one of the filed plans is in the~~ 4179  
~~best interest of the children, the court may approve the plan.~~ 4180  
~~If the court determines that no filed plan is in the best~~ 4181  
~~interest of the children, the court may order each parent to~~ 4182  
~~submit appropriate changes to the parent's plan or both of the~~ 4183  
~~filed plans to meet the court's objections or may select one~~ 4184  
~~filed plan and order each parent to submit appropriate changes~~ 4185  
~~to the selected plan to meet the court's objections. If changes~~ 4186  
~~to the plan or plans are submitted to meet the court's~~ 4187  
~~objections, and if any of the filed plans with the changes is in~~ 4188  
~~the best interest of the children, the court may approve the~~ 4189  
~~plan with the changes. If changes to the plan or plans are not~~ 4190  
~~submitted to meet the court's objections, or if the parents~~ 4191  
~~submit changes to the plan or plans to meet the court's~~ 4192  
~~objections but the court determines that none of the filed plans~~ 4193

~~with the submitted changes is in the best interest of the~~ 4194  
~~children, the court may reject the portion of the parents'~~ 4195  
~~pleadings or deny the parents' motion or reject the portion of~~ 4196  
~~the parents' pleadings or deny their motions requesting shared~~ 4197  
~~parenting of the children and proceed as if the request or~~ 4198  
~~requests or the motion or motions had not been made. If the~~ 4199  
~~court approves a plan under this division, either as originally~~ 4200  
~~filed or with submitted changes, or if the court rejects the~~ 4201  
~~portion of the pleadings or denies the motion or motions~~ 4202  
~~requesting shared parenting under this division and proceeds as~~ 4203  
~~if the request or requests or the motion or motions had not been~~ 4204  
~~made, the court shall enter in the record of the case findings~~ 4205  
~~of fact and conclusions of law as to the reasons for the~~ 4206  
~~approval or the rejection or denial. Division (D) (1) (b) of this~~ 4207  
~~section applies in relation to the approval or disapproval of a~~ 4208  
~~plan under this division.~~ 4209

~~(b) The approval of a plan under division (D) (1) (a) (ii) or~~ 4210  
~~(iii) of this section is discretionary with the court. The court~~ 4211  
~~shall not approve more than one plan under either division and~~ 4212  
~~shall not approve a plan under either division unless it~~ 4213  
~~determines that the plan is in the best interest of the~~ 4214  
~~children. If the court, under either division, does not~~ 4215  
~~determine that any filed plan or any filed plan with submitted~~ 4216  
~~changes is in the best interest of the children, the court shall~~ 4217  
~~not approve any plan.~~ 4218

~~(c) Whenever possible, the court shall require that a~~ 4219  
~~shared parenting plan approved under division (D) (1) (a) (i),~~ 4220  
~~(ii), or (iii) of this section ensure the opportunity for both~~ 4221  
~~parents to have frequent and continuing contact with the child,~~ 4222  
~~unless frequent and continuing contact with any parent would not~~ 4223  
~~be in the best interest of the child.~~ 4224

~~(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.~~ 4225  
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~~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  
modification or termination as authorized by this section.~~ 4235  
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~~(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.~~ 4241  
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~~(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~~ 4251  
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~~of the prior decree, that a change has occurred in the~~ 4255  
~~circumstances of the child, the child's residential parent, or~~ 4256  
~~either of the parents subject to a shared parenting decree, and~~ 4257  
~~that the modification is necessary to serve the best interest of~~ 4258  
~~the child. In applying these standards, the court shall retain~~ 4259  
~~the residential parent designated by the prior decree or the~~ 4260  
~~prior shared parenting decree, unless a modification is in the~~ 4261  
~~best interest of the child and one of the following applies:~~ 4262

~~(i) The residential parent agrees to a change in the~~ 4263  
~~residential parent or both parents under a shared parenting~~ 4264  
~~decree agree to a change in the designation of residential~~ 4265  
~~parent.~~ 4266

~~(ii) The child, with the consent of the residential parent~~ 4267  
~~or of both parents under a shared parenting decree, has been~~ 4268  
~~integrated into the family of the person seeking to become the~~ 4269  
~~residential parent.~~ 4270

~~(iii) The harm likely to be caused by a change of~~ 4271  
~~environment is outweighed by the advantages of the change of~~ 4272  
~~environment to the child.~~ 4273

~~(b) One or both of the parents under a prior decree~~ 4274  
~~allocating parental rights and responsibilities for the care of~~ 4275  
~~children that is not a shared parenting decree may file a motion~~ 4276  
~~requesting that the prior decree be modified to give both~~ 4277  
~~parents shared rights and responsibilities for the care of the~~ 4278  
~~children. The motion shall include both a request for~~ 4279  
~~modification of the prior decree and a request for a shared~~ 4280  
~~parenting order that complies with division (G) of this section.~~ 4281  
~~Upon the filing of the motion, if the court determines that a~~ 4282  
~~modification of the prior decree is authorized under division~~ 4283  
~~(E) (1) (a) of this section, the court may modify the prior decree~~ 4284



~~to grant a shared parenting order, provided that the court shall~~ 4285  
~~not modify the prior decree to grant a shared parenting order~~ 4286  
~~unless the court complies with divisions (A) and (D) (1) of this~~ 4287  
~~section and, in accordance with those divisions, approves the~~ 4288  
~~submitted shared parenting plan and determines that shared~~ 4289  
~~parenting would be in the best interest of the children.~~ 4290

~~(2) In addition to a modification authorized under~~ 4291  
~~division (E) (1) of this section:~~ 4292

~~(a) Both parents under a shared parenting decree jointly~~ 4293  
~~may modify the terms of the plan for shared parenting approved~~ 4294  
~~by the court and incorporated by it into the shared parenting~~ 4295  
~~decree. Modifications under this division may be made at any~~ 4296  
~~time. The modifications to the plan shall be filed jointly by~~ 4297  
~~both parents with the court, and the court shall include them in~~ 4298  
~~the plan, unless they are not in the best interest of the~~ 4299  
~~children. If the modifications are not in the best interests of~~ 4300  
~~the children, the court, in its discretion, may reject the~~ 4301  
~~modifications or make modifications to the proposed~~ 4302  
~~modifications or the plan that are in the best interest of the~~ 4303  
~~children. Modifications jointly submitted by both parents under~~ 4304  
~~a shared parenting decree shall be effective, either as~~ 4305  
~~originally filed or as modified by the court, upon their~~ 4306  
~~inclusion by the court in the plan. Modifications to the plan~~ 4307  
~~made by the court shall be effective upon their inclusion by the~~ 4308  
~~court in the plan.~~ 4309

~~(b) The court may modify the terms of the plan for shared~~ 4310  
~~parenting approved by the court and incorporated by it into the~~ 4311  
~~shared parenting decree upon its own motion at any time if the~~ 4312  
~~court determines that the modifications are in the best interest~~ 4313  
~~of the children or upon the request of one or both of the~~ 4314

~~parents under the decree. Modifications under this division may~~ 4315  
~~be made at any time. The court shall not make any modification~~ 4316  
~~to the plan under this division, unless the modification is in~~ 4317  
~~the best interest of the children.~~ 4318

~~(c) The court may terminate a prior final shared parenting~~ 4319  
~~decree that includes a shared parenting plan approved under~~ 4320  
~~division (D) (1) (a) (i) of this section upon the request of one or~~ 4321  
~~both of the parents or whenever it determines that shared~~ 4322  
~~parenting is not in the best interest of the children. The court~~ 4323  
~~may terminate a prior final shared parenting decree that~~ 4324  
~~includes a shared parenting plan approved under division (D) (1)~~ 4325  
~~(a) (ii) or (iii) of this section if it determines, upon its own~~ 4326  
~~motion or upon the request of one or both parents, that shared~~ 4327  
~~parenting is not in the best interest of the children. If~~ 4328  
~~modification of the terms of the plan for shared parenting~~ 4329  
~~approved by the court and incorporated by it into the final~~ 4330  
~~shared parenting decree is attempted under division (E) (2) (a) of~~ 4331  
~~this section and the court rejects the modifications, it may~~ 4332  
~~terminate the final shared parenting decree if it determines~~ 4333  
~~that shared parenting is not in the best interest of the~~ 4334  
~~children.~~ 4335

~~(d) Upon the termination of a prior final shared parenting~~ 4336  
~~decree under division (E) (2) (c) of this section, the court shall~~ 4337  
~~proceed and issue a modified decree for the allocation of~~ 4338  
~~parental rights and responsibilities for the care of the~~ 4339  
~~children under the standards applicable under divisions (A),~~ 4340  
~~(B), and (C) of this section as if no decree for shared~~ 4341  
~~parenting had been granted and as if no request for shared~~ 4342  
~~parenting ever had been made.~~ 4343

~~(F) (1) In determining the best interest of a child~~ 4344

~~pursuant to this section, whether on an original decree— 4345  
allocating parental rights and responsibilities for the care of— 4346  
children or a modification of a decree allocating those rights— 4347  
and responsibilities, the court shall consider all relevant— 4348  
factors, including, but not limited to: 4349~~

~~(a) The wishes of the child's parents regarding the— 4350  
child's care; 4351~~

~~(b) If the court has interviewed the child in chambers— 4352  
pursuant to division (B) of this section regarding the child's— 4353  
wishes and concerns as to the allocation of parental rights and— 4354  
responsibilities concerning the child, the wishes and concerns— 4355  
of the child, as expressed to the court; 4356~~

~~(c) The child's interaction and interrelationship with the— 4357  
child's parents, siblings, and any other person who may— 4358  
significantly affect the child's best interest; 4359~~

~~(d) The child's adjustment to the child's home, school,— 4360  
and community; 4361~~

~~(e) The mental and physical health of all persons involved— 4362  
in the situation; 4363~~

~~(f) The parent more likely to honor and facilitate court— 4364  
approved parenting time rights or visitation and companionship— 4365  
rights; 4366~~

~~(g) Whether either parent has failed to make all child— 4367  
support payments, including all arrearages, that are required of— 4368  
that parent pursuant to a child support order under which that— 4369  
parent is an obligor; 4370~~

~~(h) Whether either parent or any member of the household— 4371  
of either parent previously has been convicted of or pleaded— 4372~~

~~guilty to any criminal offense involving any act that resulted~~ 4373  
~~in a child being an abused child or a neglected child; whether~~ 4374  
~~either parent, in a case in which a child has been adjudicated~~ 4375  
~~an abused child or a neglected child, previously has been~~ 4376  
~~determined to be the perpetrator of the abusive or neglectful~~ 4377  
~~act that is the basis of an adjudication; whether either parent~~ 4378  
~~or any member of the household of either parent previously has~~ 4379  
~~been convicted of or pleaded guilty to a violation of section~~ 4380  
~~2919.25 of the Revised Code or a sexually oriented offense~~ 4381  
~~involving a victim who at the time of the commission of the~~ 4382  
~~offense was a member of the family or household that is the~~ 4383  
~~subject of the current proceeding; whether either parent or any~~ 4384  
~~member of the household of either parent previously has been~~ 4385  
~~convicted of or pleaded guilty to any offense involving a victim~~ 4386  
~~who at the time of the commission of the offense was a member of~~ 4387  
~~the family or household that is the subject of the current~~ 4388  
~~proceeding and caused physical harm to the victim in the~~ 4389  
~~commission of the offense; and whether there is reason to~~ 4390  
~~believe that either parent has acted in a manner resulting in a~~ 4391  
~~child being an abused child or a neglected child;~~ 4392

~~(i) Whether the residential parent or one of the parents~~ 4393  
~~subject to a shared parenting decree has continuously and~~ 4394  
~~willfully denied the other parent's right to parenting time in~~ 4395  
~~accordance with an order of the court;~~ 4396

~~(j) Whether either parent has established a residence, or~~ 4397  
~~is planning to establish a residence, outside this state.~~ 4398

~~(2) In determining whether shared parenting is in the best~~ 4399  
~~interest of the children, the court shall consider all relevant~~ 4400  
~~factors, including, but not limited to, the factors enumerated~~ 4401  
~~in division (F) (1) of this section, the factors enumerated in~~ 4402

~~section 3119.23 of the Revised Code, and all of the following~~ 4403  
~~factors:~~ 4404

~~(a) The ability of the parents to cooperate and make~~ 4405  
~~decisions jointly, with respect to the children;~~ 4406

~~(b) The ability of each parent to encourage the sharing of~~ 4407  
~~love, affection, and contact between the child and the other~~ 4408  
~~parent;~~ 4409

~~(c) Any history of, or potential for, child abuse, spouse-~~ 4410  
~~abuse, other domestic violence, or parental kidnapping by either~~ 4411  
~~parent;~~ 4412

~~(d) The geographic proximity of the parents to each other,~~ 4413  
~~as the proximity relates to the practical considerations of~~ 4414  
~~shared parenting;~~ 4415

~~(e) The recommendation of the guardian ad litem of the~~ 4416  
~~child, if the child has a guardian ad litem.~~ 4417

~~(3) When allocating parental rights and responsibilities~~ 4418  
~~for the care of children, the court shall not give preference to~~ 4419  
~~a parent because of that parent's financial status or condition.~~ 4420

~~(G) Either parent or both parents of any children may file~~ 4421  
~~a pleading or motion with the court requesting the court to~~ 4422  
~~grant both parents shared parental rights and responsibilities~~ 4423  
~~for the care of the children in a proceeding held pursuant to~~ 4424  
~~division (A) of this section. If a pleading or motion requesting~~ 4425  
~~shared parenting is filed, the parent or parents filing the~~ 4426  
~~pleading or motion also shall file with the court a plan for the~~ 4427  
~~exercise of shared parenting by both parents. If each parent~~ 4428  
~~files a pleading or motion requesting shared parenting but only~~ 4429  
~~one parent files a plan or if only one parent files a pleading~~ 4430  
~~or motion requesting shared parenting and also files a plan, the~~ 4431

~~other parent as ordered by the court shall file with the court a~~ 4432  
~~plan for the exercise of shared parenting by both parents. The~~ 4433  
~~plan for shared parenting shall be filed with the petition for~~ 4434  
~~dissolution of marriage, if the question of parental rights and~~ 4435  
~~responsibilities for the care of the children arises out of an~~ 4436  
~~action for dissolution of marriage, or, in other cases, at a~~ 4437  
~~time at least thirty days prior to the hearing on the issue of~~ 4438  
~~the parental rights and responsibilities for the care of the~~ 4439  
~~children. A plan for shared parenting shall include provisions~~ 4440  
~~covering all factors that are relevant to the care of the~~ 4441  
~~children, including, but not limited to, provisions covering~~ 4442  
~~factors such as physical living arrangements, child support~~ 4443  
~~obligations, provision for the children's medical and dental~~ 4444  
~~care, school placement, and the parent with which the children~~ 4445  
~~will be physically located during legal holidays, school~~ 4446  
~~holidays, and other days of special importance.~~ 4447

~~(H) If an appeal is taken from a decision of a court that~~ 4448  
~~grants or modifies a decree allocating parental rights and~~ 4449  
~~responsibilities for the care of children, the court of appeals~~ 4450  
~~shall give the case calendar priority and handle it~~ 4451  
~~expeditiously.~~ 4452

~~(I) (1) Upon receipt of an order for active military~~ 4453  
~~service in the uniformed services, a parent who is subject to an~~ 4454  
~~order allocating parental rights and responsibilities or in~~ 4455  
~~relation to whom an action to allocate parental rights and~~ 4456  
~~responsibilities is pending and who is ordered for active~~ 4457  
~~military service shall notify the other parent who is subject to~~ 4458  
~~the order or in relation to whom the case is pending of the~~ 4459  
~~order for active military service within three days of receiving~~ 4460  
~~the military service order.~~ 4461

~~(2) On receipt of the notice described in division (I) (1) of this section, either parent may apply to the court for a hearing to expedite an allocation or modification proceeding so that the court can issue an order before the parent's active military service begins. The application shall include the date on which the active military service begins.~~ 4462  
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~~The court shall schedule a hearing upon receipt of the application and hold the hearing not later than thirty days after receipt of the application, except that the court shall give the case calendar priority and handle the case expeditiously if exigent circumstances exist in the case.~~ 4468  
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~~The court shall not modify a prior decree allocating parental rights and responsibilities unless the court determines that there has been a change in circumstances of the child, the child's residential parent, or either of the parents subject to a shared parenting decree, and that modification is necessary to serve the best interest of the child. The court shall not find past, present, or possible future active military service in the uniformed services to constitute a change in circumstances justifying modification of a prior decree pursuant to division (E) of this section. The court shall make specific written findings of fact to support any modification under this division.~~ 4473  
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~~(3) Nothing in division (I) of this section shall prevent a court from issuing a temporary order allocating or modifying parental rights and responsibilities for the duration of the parent's active military service. A temporary order shall specify whether the parent's active military service is the basis of the order and shall provide for termination of the temporary order and resumption of the prior order within ten~~ 4485  
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~~days after receipt of notice pursuant to division (I) (5) of this section, unless the other parent demonstrates that resumption of the prior order is not in the child's best interest.~~ 4492  
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~~(4) At the request of a parent who is ordered for active military service in the uniformed services and who is a subject of a proceeding pertaining to a temporary order for the allocation or modification of parental rights and responsibilities, 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 the rules of the supreme court of Ohio.~~ 4495  
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~~(5) A parent who is ordered for active military service in the uniformed services and who is a subject of a proceeding pertaining to the allocation or modification of parental rights and responsibilities shall provide written notice to the court, child support enforcement agency, and the other parent of the date of termination of the parent's active military service not later than thirty days after the date on which the service ends.~~ 4504  
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~~(J) As used in this section chapter:~~ 4511

(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code. 4512  
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~~(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~~ 4514  
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~~operation, duty, or service.~~ 4521

~~(3)~~ (2) "Child education" means education for a child to 4522  
learn information, skills, and techniques for adjusting 4523  
positively to parents living apart or terminating their 4524  
relationship. 4525

(3) "Companionship or visitation" means the time that a 4526  
relative, person who has served as a kinship caregiver, or other 4527  
person is responsible for the child under a companionship or 4528  
visitation order. 4529

(4) "Counseling" means outpatient counseling with a mental 4530  
health professional or community program providing mental 4531  
health, substance abuse, or other supportive services. 4532

(5) "Evaluator" means a person appointed or designated by 4533  
the court to conduct inquiries or make recommendations regarding 4534  
issues relating to the allocation of parenting responsibilities. 4535

(6) "Guardian ad litem" means a person appointed to assist 4536  
a court in its determination of the best interest of a child. 4537

(7) "Kinship caregiver" has the same meaning as in section 4538  
5101.85 of the Revised Code. 4539

(8) "Legal custodian" means a person with legal custody of 4540  
a child appointed by a court pursuant to section 3109.0414 of 4541  
the Revised Code or by a juvenile court if the case has been 4542  
certified pursuant to section 3109.0415 of the Revised Code. 4543

(9) "Legal custody" means a legal status that vests in a 4544  
person the right to have physical care and control of the child 4545  
and to exercise parenting responsibilities as defined in this 4546  
section and as authorized by any other section of the Revised 4547  
Code or by the court. 4548

(10) "Mediation" means any process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute. 4549  
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(11) "Mediator" means a person with special skills and training in mediation and who meets the qualifications adopted by the Supreme Court of Ohio, and by a court of common pleas pursuant to the Rules of Superintendence for the Courts of Ohio. 4553  
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(12) "Neglected child" has the same meaning as in section 2151.03 of the Revised Code. 4557  
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~~(4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.~~ 4559  
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~~(5)~~ (13) "Parent" means a person that is determined to be either of the following: 4561  
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(a) A child's mother through the following: 4563

(i) Proof of her having given birth to the child; 4564

(ii) Pursuant to sections 3111.01 to 3111.18 or 3111.20 to 3111.85 of the Revised Code; 4565  
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(iii) Proof of adoption or pursuant to Chapter 3107. of the Revised Code. 4567  
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(b) A child's father through the following: 4569

(i) An acknowledgement of paternity under sections 3111.20 to 3111.35 of the Revised Code; 4570  
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(ii) Pursuant to sections 3111.01 to 3111.18 or 3111.38 to 3111.54 of the Revised Code; 4572  
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(iii) Proof of adoption or pursuant to Chapter 3107. of the Revised Code. 4574  
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(14) "Parenting coordination" means a child-focused 4576  
dispute resolution process to assist parents or a legal 4577  
custodian in implementing parenting responsibilities, parenting 4578  
time, or companionship or visitation orders using assessment, 4579  
education, case management, conflict management, coaching, or 4580  
decision-making. 4581

(15) "Parent education" means education for parents and 4582  
legal custodians living apart or terminating their relationship 4583  
to learn information and skills to minimize potential negative 4584  
effects on children, promote positive adjustment during the 4585  
process, and teach parents and legal custodians how to parent 4586  
cooperatively. 4587

(16) "Parenting plan" means a plan to allocate the 4588  
parenting responsibilities of all parents or a legal custodian 4589  
that meets the requirements of section 3109.044 of the Revised 4590  
Code. 4591

(17) "Parenting responsibilities" include all of the 4592  
following: 4593

(a) Providing for the physical and emotional safety and 4594  
well-being of a child, including physical living arrangements; 4595

(b) Establishing and maintaining a loving, stable, 4596  
consistent, and nurturing relationship with a child; 4597

(c) Providing for the health care needs of a child; 4598

(d) Providing for the educational needs of a child; 4599

(e) Providing for the financial needs of a child; 4600

(f) Attending to the needs of a child for discipline, 4601  
daily personal care, supervision, and activities; 4602

(g) Assisting a child in developing interpersonal relationships; 4603  
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(h) Exercising judgment regarding a child's welfare consistent with a child's developmental stage or special needs; 4605  
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(i) Making decisions and performing other duties relating to the welfare of a child; 4607  
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(j) Exercising parenting time. 4609

(18) "Parenting time" means the time that a parent or legal custodian is responsible for the child under a parenting plan or court order. 4610  
~~"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.~~ 4611  
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~~(K) As used in the Revised Code, "shared parenting" means that the parents share, in the manner set forth in the plan for shared parenting that is approved by the court under division (D) (1) and described in division (L) (6) of this section, all or some of the aspects of physical and legal care of their children.~~ 4616  
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~~(L)~~ (19) "Proceeding pertaining to the allocation of parenting responsibilities" includes a divorce, dissolution of marriage, legal separation, or annulment proceeding or any other relevant proceeding. 4622  
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(B) For purposes of the Revised Code+, "designated parent and legal custodian" means a parent or legal custodian designated for any of the purposes listed under divisions (B) (1) to (5) of section 3109.044 of the Revised Code under a court order allocating parenting responsibilities. 4626  
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~~(1) A parent who is granted the care, custody, and control of a child under an order that was issued pursuant to this section prior to April 11, 1991, and that does not provide for shared parenting has "custody of the child" and "care, custody, and control of the child" under the order, and is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child under the order.~~ 4631  
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~~(2) A parent who primarily is allocated the parental rights and responsibilities for the care of a child and who is 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 has "custody of the child" and "care, custody, and control of the child" under the order, and is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child under the order.~~ 4639  
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~~(3) A parent who is not granted custody of a child under an order that was issued pursuant to this section prior to 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 "nonecustodial parent" of the child under the order.~~ 4648  
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~~(4) A parent who is not primarily allocated the parental rights and responsibilities for the care of a child and who is not designated as the residential parent and legal custodian of the child under an order that is issued pursuant to this section on or after April 11, 1991, and that does not provide for shared parenting is the "parent who is not the residential parent," the "parent who is not the residential parent and legal custodian,"~~ 4654  
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~~or the "noncustodial parent" of the child under the order.~~ 4661

~~(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.~~ 4662  
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~~(6) Unless the context clearly requires otherwise and except as otherwise provided in the order, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, each parent, regardless of where the child is physically located or with whom the child is residing at a particular point in time, as specified in the order, is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child.~~ 4668  
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~~(7) Unless the context clearly requires otherwise and except as otherwise provided in the order, a designation in the order of a parent as the residential parent for the purpose of determining the school the child attends, as the custodial parent for purposes of claiming the child as a dependent pursuant to section 152(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 pursuant to division (A) (2) of this section, does not affect the designation pursuant to division (L) (6) of this section of each parent as the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child.~~ 4676  
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~~(M) The court shall require each parent of a child to file an affidavit attesting as to whether the parent, and the members of the parent's household, have been convicted of or pleaded~~ 4688  
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~~guilty to any of the offenses identified in divisions (C) and  
(F) (1) (h) of this section.~~ 4691  
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Sec. 3109.041. (A) A court shall allocate parenting 4693  
responsibilities in any proceeding pertaining to the allocation 4694  
of parenting responsibilities. 4695

(B) A final decree in a proceeding pertaining to the 4696  
allocation of parenting responsibilities shall include an 4697  
allocation of those responsibilities. 4698

Sec. 3109.042. Allocation of parenting responsibilities 4699  
shall be based on a parenting plan approved by the court. 4700

Sec. 3109.044. The purpose of a parenting plan is to 4701  
allocate all parenting responsibilities to parents or legal 4702  
custodians. The plan shall seek to ensure that parents or legal 4703  
custodians share in the responsibilities of raising a child, 4704  
enable a child to enjoy a meaningful relationship with both 4705  
parents or legal custodians, and maximize parenting time with 4706  
each parent when it is in the best interest of the child. A 4707  
parenting plan shall include all of the following: 4708

(A) Provisions regarding each child's needs that are 4709  
consistent with the child's age, developmental stage, 4710  
maturity, and special needs; 4711

(B) The designation of a parent or legal custodian as the 4712  
designated parent and legal custodian for the following 4713  
purposes: 4714

(1) Paying and receiving child support and cash medical 4715  
support pursuant to a worksheet created under section 3119.022 4716  
of the Revised Code; 4717

(2) Determining the school district of attendance; 4718

<u>(3) Providing health care coverage;</u>	4719
<u>(4) Claiming the child as a dependent for income tax purposes;</u>	4720 4721
<u>(5) For any other purpose requiring designation of one parent or legal custodian, including public assistance, international treaty enforcement, or state or federal law.</u>	4722 4723 4724
<u>(C) The parenting time schedule for weekdays, weekends, holidays, days that hold special meaning to the child, parents, or legal custodian, vacations, and other times;</u>	4725 4726 4727
<u>(D) The frequency, time, and method of the child's communication with a parent or legal custodian during the parenting time;</u>	4728 4729 4730
<u>(E) The allocation of decision-making and other responsibilities related to the welfare of the child, including education, child care, health care, and school and extra-curricular activities;</u>	4731 4732 4733 4734
<u>(F) The procedure for parenting time, including the meeting location and the person responsible for transportation;</u>	4735 4736
<u>(G) The frequency and method for the parents or legal custodians to communicate with each other about the child;</u>	4737 4738
<u>(H) The process of information sharing and right to access the child's school records, health records, records of the childcare facilities, and school and extra-curricular activities;</u>	4739 4740 4741 4742
<u>(I) Any geographical restriction on relocation of the child and notification procedure prior to the relocation of the child pursuant to sections 3109.0470 to 3109.0479 of the Revised Code;</u>	4743 4744 4745 4746



(J) Each parent's or legal custodian's responsibility for 4747  
the child's financial support, consistent with section 3109.05 4748  
and Chapter 3119. of the Revised Code; 4749

(K) Procedures for the parents or legal custodians to 4750  
resolve disputes through nonadversarial dispute resolution 4751  
processes; 4752

(L) Each parent's or legal custodian's responsibility to 4753  
provide written notification to the other parent or legal 4754  
custodian and the court of a change of contact information, 4755  
including street address, mailing address, email address, or 4756  
telephone number in compliance with section 3109.0473 of the 4757  
Revised Code; 4758

(M) Any other provisions required by statute or the court. 4759

**Sec. 3109.045.** A parenting plan that meets the 4760  
requirements of section 3109.044 of the Revised Code shall be 4761  
filed not later than thirty days before a hearing to determine 4762  
the allocation of parenting responsibilities, except that the 4763  
court may waive the thirty-day deadline for good cause shown. A 4764  
parent or legal custodian may file a separate parenting plan or 4765  
the parents and legal custodians may file a joint parenting 4766  
plan. 4767

**Sec. 3109.046.** If the parents or legal custodians file a 4768  
joint parenting plan and the court finds that the provisions of 4769  
the joint parenting plan are in the best interest of the child, 4770  
the court shall approve the joint parenting plan. If the court 4771  
finds that the joint parenting plan is not in the best interest 4772  
of the child, the court shall either allow the parents or legal 4773  
custodians to make appropriate changes to resolve the court's 4774  
objections or approve its own parenting plan. If a joint 4775

parenting plan includes a provision for substantially equal 4776  
parenting time, the court may object to the provision if the 4777  
court determines that substantially equal parenting time is not 4778  
in the best interest of the child, endangers the safety of the 4779  
parties, or for other good cause shown and provides written 4780  
findings to support the determination. 4781

**Sec. 3109.047.** If the parents or legal custodian file one 4782  
or more separate parenting plans, the court shall review each 4783  
plan to determine whether the plan is in the best interest of 4784  
the child. If the court finds that one of the separate parenting 4785  
plans is in the best interest of the child, the court shall 4786  
approve that plan. If the court finds that neither of the 4787  
parenting plans is in the best interest of the child, the court 4788  
shall either allow the parents or legal custodian to make 4789  
appropriate changes to resolve the court's objections or approve 4790  
its own parenting plan. If a parenting plan includes a provision 4791  
for substantially equal parenting time, the court may object to 4792  
the provision if the court determines that substantially equal 4793  
parenting time is not in the best interest of the child, 4794  
endangers the safety of the parties, or for other good cause 4795  
shown and provides written findings to support the 4796  
determination. 4797

**Sec. 3109.048.** If no parent or legal custodian files a 4798  
parenting plan, the court shall approve its own parenting plan. 4799

**Sec. 3109.049.** In allocating or approving parenting 4800  
responsibilities in a parenting plan, the court shall ensure 4801  
that the plan meets all of the requirements of section 3109.044 4802  
of the Revised Code and that it is in the best interest of the 4803  
child pursuant to section 3109.0430 of the Revised Code. 4804

**Sec. 3109.0410.** The court shall not approve more than one 4805

parenting plan. 4806

Sec. 3109.0411. In allocating or approving parenting 4807  
responsibilities in a parenting plan, the court shall not draw 4808  
any presumptions from a temporary parenting order or consider it 4809  
as a factor in making a final decision. 4810

Sec. 3109.0412. The court shall have complete discretion 4811  
over the approval of a parenting plan. 4812

Sec. 3109.0414. (A) Upon the court's determination on the 4813  
record that no parent is found suitable to be allocated 4814  
parenting responsibilities under a parenting plan in accordance 4815  
with section 3109.0416 of the Revised Code, the court may 4816  
designate a relative or kinship caregiver as the legal custodian 4817  
of the child or certify the matter to the juvenile court. 4818

(B) Any designation of a nonparent relative or kinship 4819  
caregiver as the legal custodian of the child shall be in the 4820  
child's best interest pursuant to section 3109.0430 of the 4821  
Revised Code. 4822

Sec. 3109.0415. (A) Upon the certification under section 4823  
3109.0414 of the Revised Code, the juvenile court has exclusive 4824  
jurisdiction over the establishment and issuance of a decree 4825  
that incorporates a parenting plan. 4826

(B) The juvenile court shall establish and issue decrees 4827  
that incorporate parenting plans in accordance with sections 4828  
3109.04 to 3109.0499 of the Revised Code. 4829

Sec. 3109.0416. A court may find a parent to be not 4830  
suitable under section 3109.0414 of the Revised Code only if the 4831  
preponderance of the evidence demonstrates any of the following: 4832

(A) The parent abandoned the child. 4833

(B) The parent contractually relinquished custody of the 4834  
child. 4835

(C) The parent has become completely incapable of 4836  
supporting or caring for the child. 4837

(D) An award of custody to the parent would be detrimental 4838  
to the child. 4839

**Sec. 3109.0417.** A legal custodian of a child appointed by 4840  
a court pursuant to section 3109.0414 of the Revised Code or by 4841  
a juvenile court if the case has been certified pursuant to 4842  
section 3109.0415 of the Revised Code may submit a parenting 4843  
plan under section 3109.045 of the Revised Code. 4844

**Sec. 3109.0418.** (A) To request a prior parenting plan be 4845  
modified with a proposed modification agreed to by all parties, 4846  
the parents or legal custodian shall file both of the following: 4847

(1) A motion requesting that the prior parenting plan be 4848  
modified; 4849

(2) The proposed agreed entry. 4850

(B) The court may approve the motion and the proposed 4851  
agreed entry or conduct a hearing on the proposed agreed entry. 4852

(C) The court shall not modify a prior parenting plan 4853  
under this section without finding the modification is in the 4854  
child's best interest. 4855

**Sec. 3109.0419.** (A) To request a prior parenting plan be 4856  
modified without a proposed modification agreed to by all 4857  
parties, one parent or legal custodian shall file both of the 4858  
following: 4859

(1) A motion requesting that the prior parenting plan be 4860

modified and specifying the modification sought; 4861

(2) A supporting affidavit that sets forth the substantial 4862  
change of circumstances of the parent, legal custodian, or 4863  
child, the specific modification sought, and why the 4864  
modification is in the best interest of the child. 4865

(B) The court shall not modify a prior parenting plan 4866  
under division (A) of this section without finding all of the 4867  
following: 4868

(1) A finding of a substantial change of circumstances of 4869  
a parent, legal custodian, or the child. The court may conduct a 4870  
hearing to determine whether a substantial change of 4871  
circumstance has occurred since the prior parenting plan was 4872  
approved; 4873

(2) The modification is in the child's best interest; 4874

(3) One of the following applies: 4875

(a) All parties to the proceeding agree to the 4876  
modification. 4877

(b) The child has been integrated into the family of the 4878  
parent or legal custodian seeking modification with the consent 4879  
of the other parent or legal custodian. 4880

(c) The advantages of the modification outweigh any harm 4881  
to the child. 4882

**Sec. 3109.0420.** A court may assess reasonable attorney 4883  
fees and litigation expenses if it finds that a motion to modify 4884  
a prior parenting plan was brought in bad faith or the party's 4885  
actions constituted frivolous conduct as defined in section 4886  
2323.51 of the Revised Code or as otherwise provided in the 4887  
Revised Code. 4888

Sec. 3109.0422. In any proceeding pertaining to the 4889  
allocation of parenting responsibilities, when requested by 4890  
motion, upon satisfactory proof of all relevant information by 4891  
affidavit duly filed with the clerk of the court, the court, 4892  
without oral hearing and for good cause shown, may make a 4893  
temporary order regarding the allocation of parenting 4894  
responsibilities while the action is pending. 4895

Sec. 3109.0423. If the court has entered in the journal a 4896  
temporary order allocating parenting responsibilities, a party 4897  
may make a written request for an oral hearing to modify the 4898  
order. The court shall grant the request for an oral hearing not 4899  
later than twenty-eight days after receipt of the request. 4900

Sec. 3109.0424. An unmarried female who gives birth to a 4901  
child is the sole designated parent and legal custodian of the 4902  
child until a court of competent jurisdiction issues an order 4903  
designating another person as the designated parent and legal 4904  
custodian. 4905

Sec. 3109.0425. A court allocating parental 4906  
responsibilities of a child described under section 2151.0424 of 4907  
the Revised Code when another person is the designated parent 4908  
and legal custodian shall consider the best interest of the 4909  
child as provided in section 2151.0430 of the Revised Code to be 4910  
paramount. The court shall not give preference to a parent or 4911  
legal custodian because of that parent or legal custodian's 4912  
financial status or gender. 4913

Sec. 3109.0426. Notwithstanding sections 3109.0424 and 4914  
3109.0425 of the Revised Code, an unmarried female who has been 4915  
convicted of or pleaded guilty to rape or sexual battery of the 4916  
other parent of the child shall not be the designated parent and 4917  
legal custodian of that child, unless the court determines that 4918

special circumstances permit the unmarried mother to be the 4919  
child's designated parent and legal custodian. 4920

Sec. 3109.0428. If an appeal is taken from an order of a 4921  
court that grants or modifies parenting responsibilities in a 4922  
parenting plan, the court of appeals shall give the case 4923  
calendar priority and handle it expeditiously. 4924

Sec. 3109.0430. (A) In determining the best interest of a 4925  
child for purposes of allocating parenting responsibilities, the 4926  
court shall consider all relevant factors, including: 4927

(1) The wishes of the child's parents or legal custodian 4928  
regarding the child's care; 4929

(2) The wishes and concerns of the child; 4930

(3) The relative strength, nature, and stability of the 4931  
child's relationship with each parent or legal custodian and the 4932  
parent's or legal custodian's interest in the child; 4933

(4) The child's interaction and interrelationship with 4934  
siblings, relatives, and any other persons who may significantly 4935  
affect the child's best interest; 4936

(5) The child's involvement with school, the community, 4937  
and other significant activities; 4938

(6) The emotional, mental, and physical health of all 4939  
persons involved; 4940

(7) The child's age; developmental stage; and emotional, 4941  
mental, physical, educational, and special needs; 4942

(8) The willingness and ability of the parents or legal 4943  
custodian to communicate effectively with each other and with 4944  
the child; 4945

<u>(9) Any current abuse or history of child abuse, spousal abuse, domestic violence, or parental kidnapping;</u>	4946
	4947
<u>(10) Whether a parent or legal custodian has knowingly made a false report of child abuse or neglect;</u>	4948
	4949
<u>(11) Whether a parent or legal custodian, without just cause, has repeatedly failed to be financially responsible for any child as ordered by a court;</u>	4950
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<u>(12) Whether a parent or legal custodian, without just cause, has repeatedly interfered with the other parent's or legal custodian's court-ordered access to the child;</u>	4953
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<u>(13) The willingness and ability of a parent or legal custodian to facilitate and encourage parenting time or companionship or visitation and a close and continuing relationship between the other parent or legal custodian and the child;</u>	4956
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<u>(14) A parent's or legal custodian's past performance and current ability to provide for the daily needs of the child, considering the parent's or legal custodian's employment schedule and the child's school, child care, and activity schedule;</u>	4961
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<u>(15) The child's physical environment;</u>	4966
<u>(16) Whether a parent or legal custodian has established a residence or is planning to establish a residence outside this state;</u>	4967
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<u>(17) The geographic proximity of a parent or legal custodian;</u>	4970
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<u>(18) Any recommendation of the child's guardian ad litem;</u>	4972



<u>(19) Any parenting coordination decisions;</u>	4973
<u>(20) Any mediation agreements;</u>	4974
<u>(21) Any report of a court-appointed or designated evaluator or investigator admitted into evidence;</u>	4975 4976
<u>(22) Whether a parent or legal custodian has failed to attend court-required parent education pursuant to section 3109.0433 of the Revised Code;</u>	4977 4978 4979
<u>(23) The safety of the child and the parents or legal custodian;</u>	4980 4981
<u>(24) Whether a parent or legal custodian intentionally misled the court to cause an unnecessary delay, increase the cost of litigation, or induce the court to give preference to that parent or legal custodian regarding decision-making powers or parenting time or companionship or visitation.</u>	4982 4983 4984 4985 4986
<u>(25) Any other relevant factor.</u>	4987
<u>(B) The court shall not give preference to a parent or legal custodian on the basis of that parent's or legal custodian's financial circumstances or gender.</u>	4988 4989 4990
<u>(C) In determining the best interest of the child, the court shall not consider any one factor to the exclusion of other factors.</u>	4991 4992 4993
<b><u>Sec. 3109.0432.</u></b> <u>In any proceeding pertaining to the allocation of parenting responsibilities, the court may order a parent or legal custodian to participate in counseling with a licensed mental health professional or through community programs, including mental health, substance abuse, or other appropriate services.</u>	4994 4995 4996 4997 4998 4999

Sec. 3109.0433. (A) In any proceeding pertaining to the original allocation of parenting responsibilities, the court shall order the parents or legal custodian to complete parent education, unless the proceeding involves allegations of abuse or neglect or a dependent, unruly, or delinquent child. 5000  
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(B) In any proceeding pertaining to the modification of parenting responsibilities, the court may order the parents or legal custodian to complete additional parent education. 5005  
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Sec. 3109.0434. The court may waive parent education under section 3109.0433 of the Revised Code for good cause shown. 5008  
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Sec. 3109.0435. The court may order any party to deliver a child to attend child education as appropriate to the child's needs. 5010  
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Sec. 3109.0436. The court shall determine the method that the parents or legal custodians shall be notified of parent and child education. 5013  
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Sec. 3109.0439. In any proceeding pertaining to the allocation of parenting responsibilities, the court may order a parent, legal custodian, or a child to submit to any of the following: 5016  
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(A) The investigation of any relevant circumstances and conditions regarding the allocation of parenting responsibilities, including character, family relations, past conduct, earning ability, and financial worth of the parties to the action; 5020  
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(B) The evaluation of any relevant circumstances and conditions regarding the allocation of parenting responsibilities, including substance abuse, medical, psychological, or psychiatric interviews, tests, examinations, 5025  
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and assessments; 5029

(C) The custody evaluation as described in the Rules of 5030  
Superintendence for the Courts of Ohio, as of September 1, 2022. 5031

**Sec. 3109.0440.** An investigator or evaluator shall file a 5032  
written signed report of the investigation or evaluation under 5033  
section 3109.0439 of the Revised Code in accordance with the 5034  
rules of the supreme court of Ohio. The report shall be made 5035  
available to counsel of record for each parent or legal 5036  
custodian or directly to any parent or legal custodian not 5037  
represented by counsel not later than fourteen days prior to the 5038  
hearing, unless otherwise ordered by the court. The court's 5039  
investigator or evaluator may consult any person who may have 5040  
relevant information. 5041

**Sec. 3109.0441.** The investigator or evaluator shall be 5042  
subject to cross-examination by any party with regard to an 5043  
investigation or evaluation under section 3109.0439 of the 5044  
Revised Code. 5045

**Sec. 3109.0442.** The court may apportion costs related to 5046  
an investigation or evaluation under section 3109.0439 of the 5047  
Revised Code to the parties. 5048

**Sec. 3109.0445.** (A) In any proceeding pertaining to the 5049  
allocation of parenting responsibilities, the court may, and 5050  
upon request of either party, shall, interview a child regarding 5051  
the child's wishes and concerns with respect to the allocation 5052  
of parenting responsibilities. 5053

(B) The court shall conduct the interview in chambers or 5054  
another location designated by the court. 5055

**Sec. 3109.0446.** Before conducting or completing an 5056  
interview under section 3109.0445 of the Revised Code, the court 5057

shall determine both of the following: 5058

(A) That the child has sufficient reasoning ability; 5059

(B) That there are no special circumstances that would 5060  
indicate the interview would not be in the best interest of the 5061  
child. 5062

Sec. 3109.0447. For the interview of a child under section 5063  
3109.0445 of the Revised Code, the court may designate a mental 5064  
health professional to assist in conducting the interview. 5065

Sec. 3109.0448. (A) A mental health professional under 5066  
section 3109.0447 of the Revised Code shall not disclose 5067  
information about the interview and shall not make any 5068  
recommendations or express any opinions to the court with 5069  
respect to the interview. 5070

(B) The mental health professional shall not be called to 5071  
testify. 5072

Sec. 3109.0449. (A) The child, attorney for the child, if 5073  
any, and any court personnel deemed necessary by the court shall 5074  
be present at an interview under section 3109.0445 of the 5075  
Revised Code. 5076

(B) The court may have the child's guardian ad litem and 5077  
mental health professional present during the interview. 5078

Sec. 3109.0450. If the court interviews a child under 5079  
section 3109.0445 of the Revised Code, it shall permit a parent 5080  
or legal custodian to submit written questions to the court that 5081  
the court may use during the interview. 5082

Sec. 3109.0451. If the court interviews a child under 5083  
section 3109.0445 of the Revised Code, it shall record the 5084  
interview. Only the court and appellate courts shall have access 5085

to the record of the interview. 5086

Sec. 3109.0452. No person shall obtain or attempt to 5087  
obtain a written or recorded statement or affidavit from a child 5088  
setting forth the wishes and concerns of the child with respect 5089  
to the allocation of parenting responsibilities in a parenting 5090  
plan. The court shall not accept or consider a written or 5091  
recorded statement or affidavit regarding those matters. 5092

Sec. 3109.0453. Unless otherwise permitted by law, an 5093  
attorney representing a parent or legal custodian shall not 5094  
discuss the issue of parenting responsibilities, including the 5095  
wishes and concerns of a child, with any child who is the 5096  
subject of the attorney's representation of the client. 5097

Sec. 3109.0455. In any proceeding pertaining to the 5098  
allocation of parenting responsibilities, the court may approve 5099  
or order a restriction of parenting responsibilities if the 5100  
court finds, based upon a preponderance of the evidence, that 5101  
such restrictions are reasonably calculated to protect a child 5102  
from physical, sexual, or emotional abuse, or a parent from 5103  
domestic violence. 5104

Sec. 3109.0456. The court may restrict a parent's or legal 5105  
custodian's parenting time, right to make decisions, access to a 5106  
child's records, activities, school or child care facility, or 5107  
to receive a notice of intent to relocate or change of contact 5108  
information on finding one or more of the following applies to 5109  
the parent or legal custodian: 5110

(A) Willful neglect, or substantial nonperformance, of 5111  
parenting responsibilities; 5112

(B) Long-term emotional or physical impairment that 5113  
interferes with parenting responsibilities; 5114

<u>(C) Suffers impairment from alcohol, drug, or other</u>	5115
<u>substance abuse that interferes with parenting responsibilities;</u>	5116
<u>(D) Emotional ties between the parent or legal custodian</u>	5117
<u>and a child are absent or substantially impaired;</u>	5118
<u>(E) Conduct that creates a danger to the child's</u>	5119
<u>psychological, social, cognitive, emotional, or physical</u>	5120
<u>development;</u>	5121
<u>(F) Denial of access of the other parent or legal</u>	5122
<u>custodian to the child for protracted periods of time without</u>	5123
<u>justifiable cause;</u>	5124
<u>(G) Physical, sexual, or emotional abuse of the child;</u>	5125
<u>(H) An act of domestic violence as defined in section</u>	5126
<u>3113.31 of the Revised Code, sexually oriented offense, or an</u>	5127
<u>assault which caused serious bodily injury or placed another</u>	5128
<u>person in fear of imminent serious physical harm;</u>	5129
<u>(I) Knowingly consented to a child being in the presence</u>	5130
<u>of a person who has committed any act that would constitute the</u>	5131
<u>commission of any sexually oriented offense, offense of</u>	5132
<u>violence, or act that would have resulted in a child being</u>	5133
<u>abused or neglected in this state;</u>	5134
<u>(J) Any other relevant factor which affects the best</u>	5135
<u>interest of a child.</u>	5136
<b><u>Sec. 3109.0457. If the court makes any of the findings</u></b>	5137
<b><u>described under section 3109.0456 of the Revised Code, the court</u></b>	5138
<b><u>may impose restrictions on a parent or legal custodian,</u></b>	5139
<b><u>including the following:</u></b>	5140
<u>(A) Ordering decision-making authority to one parent or</u>	5141
<u>legal custodian;</u>	5142

<u>(B) Restricting parenting time;</u>	5143
<u>(C) Prohibiting overnight parenting time;</u>	5144
<u>(D) Ordering the exchange of a child to occur with a neutral party or in a protected setting;</u>	5145 5146
<u>(E) Ordering supervised parenting time;</u>	5147
<u>(F) Ordering payment of any costs associated with parenting time;</u>	5148 5149
<u>(G) Ordering the perpetrator of domestic violence, child abuse, or child neglect to attend and complete, to the satisfaction of the court, a program of intervention for perpetrators of domestic violence, child abuse, or child neglect or other counseling as a condition of contact or parenting time;</u>	5150 5151 5152 5153 5154
<u>(H) Ordering abstention from possession or consumption of alcohol, controlled substances, or illegal substances;</u>	5155 5156
<u>(I) Requiring a bond;</u>	5157
<u>(J) Prohibition on all contact or parenting time with a child, if the court finds other restrictions on parenting time will not adequately protect a child, parent, or legal custodian who is a victim of domestic violence from an unreasonable risk of harm or abuse;</u>	5158 5159 5160 5161 5162
<u>(K) Imposing any other condition to provide for the safety of a child, parent, or legal custodian who is a victim of domestic violence.</u>	5163 5164 5165
<b><u>Sec. 3109.0458.</u></b> <u>The court may approve a parenting plan or issue a decree adopting a parenting plan without any restrictions only if it determines, with specific written findings of fact supporting its determination, that the</u>	5166 5167 5168 5169

parenting plan is in the best interest of a child and the court 5170  
provides protections that adequately protect the safety and 5171  
well-being of the child, if any of the following apply: 5172

(A) A parent, legal custodian, or member of the family or 5173  
household has been convicted of or pleaded guilty to a violation 5174  
of section 2919.25 of the Revised Code or a sexually oriented 5175  
offense involving a victim who at the time of the commission of 5176  
the offense was a member of the family or household that is the 5177  
subject of the proceeding; 5178

(B) A parent, legal custodian, or member of the family or 5179  
household has been convicted of or pleaded guilty to any other 5180  
offense involving a victim who at the time of the commission of 5181  
the offense was a member of the family or household that is the 5182  
subject of the proceeding and caused physical harm to the victim 5183  
in the commission of the offense; 5184

(C) A parent, legal custodian, or member of the family or 5185  
household has committed acts that resulted in a child being 5186  
adjudicated an abused or neglected child, or previously has been 5187  
convicted of or pleaded guilty to any criminal offense involving 5188  
any act that resulted in a child being an abused or neglected 5189  
child, or there is reason to believe that a parent or legal 5190  
custodian has acted in a manner resulting in a child being an 5191  
abused or neglected child. 5192

**Sec. 3109.0459.** The court shall approve or designate a 5193  
supervisor of parenting time or of companionship or visitation. 5194  
The supervisor shall adhere strictly to the terms ordered by the 5195  
court and be willing and able to protect a child from harm. The 5196  
court shall revoke approval of the supervisor on a finding that 5197  
the supervisor failed to protect the child, is not able to 5198  
adhere to the terms ordered by the court, or is no longer 5199



willing or able to protect the child. 5200

Sec. 3109.0461. In any proceeding pertaining to the 5201  
allocation of parenting responsibilities, the court may, or 5202  
shall if otherwise required by law, appoint a guardian ad litem 5203  
for the child. 5204

Sec. 3109.0462. A guardian ad litem appointed under 5205  
section 3109.0461 of the Revised Code serves the best interest 5206  
of a child and owes a duty of candor to the court. 5207

Sec. 3109.0463. The guardian ad litem for a child 5208  
appointed under section 3109.0461 of the Revised Code shall be 5209  
served with all pleadings and given notice of all hearings and 5210  
other proceedings in the same manner as service is made, or 5211  
notice is given, to the parties to the action. 5212

Sec. 3109.0465. In any proceeding pertaining to the 5213  
allocation of parenting responsibilities, the court may appoint 5214  
an attorney for a child. 5215

Sec. 3109.0466. An attorney appointment under section 5216  
3109.0465 of the Revised Code shall include all of the 5217  
following: 5218

(A) The rate, amount, and method of payment for 5219  
compensation to the attorney and the determination of the 5220  
ability of any party to pay the attorney's fees and costs; 5221

(B) The allocation of fees payable by each party and any 5222  
other source of compensation to the attorney; 5223

(C) Any reimbursement of fees and costs to be made between 5224  
the parties or to any other source; 5225

(D) The terms and amount of any installment payments; 5226

(E) A statement that the court may modify the allocation 5227  
of fees and costs. 5228

Sec. 3109.0467. An attorney for a child appointed under 5229  
section 3109.0465 of the Revised Code shall be served with all 5230  
pleadings and given notice of all hearings and other proceedings 5231  
in the same manner as service is made, or notice is given, to 5232  
the parties to the action. 5233

Sec. 3109.0468. In any proceeding pertaining to the 5234  
allocation of parenting responsibilities, an attorney serving as 5235  
a child's guardian ad litem shall not serve as the child's 5236  
attorney, unless otherwise permitted by the rules of the supreme 5237  
court of Ohio. 5238

Sec. 3109.0470. A relocation of a parent's or child's 5239  
residence occurs when there is a change of address. 5240

Sec. 3109.0471. (A) A relocating parent shall file a 5241  
notice of intent to relocate with the clerk of the court where 5242  
the order or decree was issued. 5243

(B) The clerk shall send a copy of the notice to the last 5244  
known address of any nonrelocating parent. 5245

Sec. 3109.0472. A notice of intent to relocate under 5246  
section 3109.0471 of the Revised Code shall be filed not later 5247  
than sixty days prior to the date of the intended relocation or 5248  
not later than ten days after the relocating parent knew of the 5249  
intended relocation if the relocating parent cannot satisfy the 5250  
sixty-day requirement, absent exigent circumstances. 5251

Sec. 3109.0473. A notice of intent to relocate shall 5252  
contain all of the following: 5253

(A) Updated residential address; 5254

<u>(B) Updated mailing address;</u>	5255
<u>(C) Updated telephone number;</u>	5256
<u>(D) Updated email address;</u>	5257
<u>(E) Date of relocation;</u>	5258
<u>(F) Notice to the nonrelocating parent that any objection</u>	5259
<u>to the relocation must be filed not later than thirty days after</u>	5260
<u>receipt of the notice of intent to relocate.</u>	5261
<u><b>Sec. 3109.0474.</b> If the court has not already made a prior</u>	5262
<u>finding, or upon the filing of a motion and a finding by the</u>	5263
<u>court that the health, safety, and welfare or liberty of a</u>	5264
<u>person, including a child, would be reasonably put at risk by</u>	5265
<u>the relocating party filing a notice of intent to relocate under</u>	5266
<u>section 3109.0471 of the Revised Code, the court may do any of</u>	5267
<u>the following:</u>	5268
<u>(A) Order that the intent to relocate not be disclosed;</u>	5269
<u>(B) Waive the notice requirement to the extent necessary</u>	5270
<u>to protect the confidentiality and the health, safety, and</u>	5271
<u>welfare of the child or parent;</u>	5272
<u>(C) Consider any other remedy deemed necessary to</u>	5273
<u>facilitate the legitimate needs of the parties and protect the</u>	5274
<u>best interest of the child;</u>	5275
<u>(D) If appropriate, conduct an ex parte hearing. If the</u>	5276
<u>court issues an ex parte order, the court shall schedule a full</u>	5277
<u>hearing and give the parents notice of the date, time, and</u>	5278
<u>location of the hearing.</u>	5279
<u><b>Sec. 3109.0475.</b> If a parent fails, without good cause, to</u>	5280
<u>file a notice of intent to relocate pursuant to section</u>	5281

3109.0471 of the Revised Code, the court may consider the 5282  
failure as follows: 5283

(A) As a factor in making its determination regarding the 5284  
relocation; 5285

(B) As a factor in determining a modification of the 5286  
parenting plan, and the court shall not consider that the child 5287  
has been integrated into the new surroundings, unless there is 5288  
good cause shown; 5289

(C) As a basis for ordering the return of the child if the 5290  
relocation has taken place without notice; 5291

(D) As a basis for awarding attorney fees and expenses; 5292

(E) As a factor in a finding of contempt. 5293

**Sec. 3109.0476.** A nonrelocating parent may file a motion 5294  
objecting to the relocation and seek an order restricting the 5295  
relocation when the relocation would render any portion of the 5296  
parenting plan impracticable or not in the child's best interest 5297  
or violate restrictions in the plan. 5298

**Sec. 3109.0477.** A motion under section 3109.0476 of the 5299  
Revised Code shall be filed not later than thirty days after the 5300  
receipt of the notice of intent to relocate, or the objection 5301  
shall be waived. 5302

**Sec. 3109.0478.** If a motion objecting to a relocation is 5303  
filed, the court shall conduct a hearing. All matters relating 5304  
to the relocation objection proceedings shall be given priority 5305  
scheduling. 5306

**Sec. 3109.0479.** In reaching a decision on a proposed 5307  
temporary or permanent relocation, and in addition to the best 5308  
interest factors in section 3109.0430 of the Revised Code, the 5309

court shall consider all of the following factors to foster a 5310  
continuing meaningful relationship between the child and the 5311  
nonrelocating parent: 5312

(A) The reason presented for seeking or opposing the 5313  
relocation; 5314

(B) The realistic ability to preserve the relationship 5315  
between the child and the nonrelocating parent through any 5316  
proposed new arrangements that consider the logistics and costs 5317  
of contact, access, and parenting time; 5318

(C) The effect the relocation will have on the child's 5319  
relationship with extended family; 5320

(D) The enhancement of the quality of life for the child 5321  
and the relocating parent that the relocation may afford; 5322

(E) Whether a parent is subject to the restrictions under 5323  
sections 3109.0455 to 3109.0458 of the Revised Code; 5324

(F) The child's stability; 5325

(G) Any other factor the court determines relevant. 5326

**Sec. 3109.0482.** As used in sections 3109.0482 to 3109.0492 5327  
of the Revised Code: 5328

(A) "Active military service" means service by a member of 5329  
the uniformed services in compliance with military orders to 5330  
report for combat operations, contingency operations, 5331  
peacekeeping operations, a remote tour of duty, or other active 5332  
service for which the member is required to report unaccompanied 5333  
by any family member, including any period of illness, recovery 5334  
from injury, leave, or other lawful absence during that 5335  
operation, duty, or service. 5336

(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. 5337  
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Sec. 3109.0483. Upon receipt of an order for active military service, a parent subject to an order allocating parenting responsibilities shall notify the other parent of the order for active military service not later than three days after receiving the military service order. 5341  
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Sec. 3109.0484. On receipt of a notice described under section 3109.0483 of the Revised Code, either parent may apply to the court for a hearing to expedite an allocation or modification proceeding so that the court can issue an order regarding parenting responsibilities before the parent's active military service begins. The application shall include the date on which the active military service begins. 5346  
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Sec. 3109.0485. The court shall schedule a hearing on receipt of an application under section 3109.0484 of the Revised Code and hold the hearing not later than thirty days after receipt of the application, except that the court shall give the case calendar priority and handle the case expeditiously if exigent circumstances exist. 5353  
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Sec. 3109.0486. The court shall not find past, present, or possible future active military service to constitute a change in circumstances justifying modification of a prior decree pursuant to section 3109.0418 or 3109.0419 of the Revised Code. 5359  
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Sec. 3109.0487. (A) Nothing in sections 3109.0483 to 3109.0490 of the Revised Code shall prevent a court from issuing a temporary order allocating or modifying parenting 5363  
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responsibilities in a parenting plan for the duration of the 5366  
parent's active military service that is in the best interest of 5367  
the child. 5368

(B) A temporary order may do any of the following, with 5369  
regard to parenting time under the parenting plan: 5370

(1) Delegate all or part of the parent's parenting time 5371  
with the child to a relative or another person who has a close 5372  
and substantial relationship with the child; 5373

(2) Require the other parent to make the child reasonably 5374  
available for parenting time with the parent when the parent is 5375  
on leave from active military service; 5376

(3) Require the other parent to facilitate contact, 5377  
including telephone and electronic contact, between the parent 5378  
and the child while the parent is on active military service. 5379

(C) A temporary order shall specify whether the parent's 5380  
active military service is the basis of the order and shall 5381  
provide for termination of the temporary order and resumption of 5382  
the prior order not later than ten days after the date that the 5383  
active military service ends, unless the other parent 5384  
demonstrates that resumption of the prior order is not in the 5385  
child's best interest. 5386

**Sec. 3109.0488.** At the request of a parent who is ordered 5387  
for active military service and who is subject to a proceeding 5388  
pertaining to a temporary order for the allocation or 5389  
modification of parenting responsibilities, the court shall 5390  
permit the parent to participate in the proceeding and present 5391  
evidence by electronic means, including communication by 5392  
telephone, video, or internet, to the extent permitted by the 5393  
rules of the supreme court of Ohio. 5394

Sec. 3109.0489. A parent who is ordered for active 5395  
military service and who is subject to a proceeding pertaining 5396  
to the allocation or modification of parenting responsibilities 5397  
shall provide written notice to the court, child support 5398  
enforcement agency, and the other parent of the date of 5399  
termination of the parent's active military service not later 5400  
than thirty days after the date on which the service ends. 5401

Sec. 3109.0490. An order delegating all or part of the 5402  
parent's parenting time under a parenting plan pursuant to 5403  
division (B) (1) of section 3109.0487 of the Revised Code does 5404  
not create standing on behalf of the person to whom parenting 5405  
time is delegated to assert companionship or visitation rights 5406  
independent of the order. 5407

Sec. 3109.0491. On filing of a motion and supporting 5408  
affidavit alleging interference with parenting time under a 5409  
parenting plan or companionship or visitation, a court shall 5410  
hold an initial hearing not later than twenty-eight days after 5411  
service. A court may conduct the hearing earlier for good cause 5412  
shown. 5413

Sec. 3109.0492. Any time prior to ruling upon a motion 5414  
alleging interference with parenting time under a parenting plan 5415  
or companionship or visitation, the court may issue temporary 5416  
orders necessary to protect the relationship between parent or 5417  
legal custodian and child. 5418

Sec. 3109.0493. After a hearing under section 3109.0491 of 5419  
the Revised Code, and upon a finding there has been unreasonable 5420  
interference with parenting time under a parenting plan or 5421  
companionship or visitation, the court may issue any of the 5422  
following: 5423



(A) A modified parenting plan or amended order to prevent 5424  
future interference with parenting time or companionship or 5425  
visitation in the best interest of a child; 5426

(B) An order for compensatory parenting time or 5427  
companionship or visitation; 5428

(C) An order for supervised parenting time or 5429  
companionship or visitation or exchanges; 5430

(D) An order to require parents, legal custodian, or the 5431  
child to attend counseling, education, or coaching; 5432

(E) An order to post bond, either in cash or with 5433  
sufficient sureties, conditioned upon compliance with the order 5434  
granting parenting time or companionship or visitation; 5435

(F) An award of reasonable costs and fees for legal 5436  
counsel and litigation, mediation, counseling, parent and child 5437  
education, supervised parenting time, or companionship or 5438  
visitation or exchange, and court costs; 5439

(G) Any other remedy that the court considers appropriate. 5440

~~**Sec. 3109.043 3109.0497.** In any proceeding pertaining to~~ 5441  
~~the allocation of parental rights and responsibilities for the~~ 5442  
~~care of a child, when requested in the complaint, answer, or~~ 5443  
~~counterclaim, or by motion served with the pleading, upon~~ 5444  
~~satisfactory proof by affidavit duly filed with the clerk of the~~ 5445  
~~court, the court, without oral hearing and for good cause shown,~~ 5446  
~~may make a temporary order regarding the allocation of parental~~ 5447  
~~rights and responsibilities for the care of the child while the~~ 5448  
~~action is pending.~~ 5449

If a parent and child relationship has not already been 5450  
established pursuant to section 3111.02 of the Revised Code, the 5451

court may take into consideration when determining whether to 5452  
award ~~parenting time, visitation rights, or~~ temporary custody to 5453  
a putative father that the putative father is named on the birth 5454  
record of the child, the child has the putative father's 5455  
surname, or a clear pattern of a parent and child relationship 5456  
between the child and the putative father exists. 5457

Sec. 3109.0499. (A) Parties to any decree that allocates 5458  
parental rights and responsibilities issued pursuant to section 5459  
3109.04 of the Revised Code as it existed prior to the effective 5460  
date of this section, may file a motion with the court that 5461  
issued the decree requesting the approval of a parenting plan to 5462  
be incorporated into a decree in accordance with sections 5463  
3109.04 to 3109.0499 of the Revised Code. 5464

(B) A decree that allocates parental rights and 5465  
responsibilities issued under section 3109.04 of the Revised 5466  
Code as that section existed prior to the effective date of this 5467  
section, shall not be affected or invalidated by, and shall not 5468  
be construed as being affected or invalidated by, the provisions 5469  
of sections 3109.04 to 3109.0497 of the Revised Code relative to 5470  
the allocation of parenting responsibilities under a parenting 5471  
plan on and after the effective date of this section. The decree 5472  
issued prior to the effective date of this section shall remain 5473  
in full force and effect, subject to modification or termination 5474  
pursuant to sections 3109.0418 to 3109.0420 of the Revised Code 5475  
on and after the effective date of this section. 5476

(C) With regard to a decree allocating parental rights and 5477  
responsibilities issued under section 3109.04 of the Revised 5478  
Code as that section existed prior to the effective date of this 5479  
section: 5480

(1) Unless the context clearly requires otherwise, if the 5481

order provides for shared parenting of a child, both parents 5482  
have "custody of the child," "care, custody, and control of the 5483  
child," and the same parenting responsibilities for the child 5484  
under the order to the extent and in the manner specified in the 5485  
order; 5486

(2) Unless the context clearly requires otherwise and 5487  
except as otherwise provided in the order, if the order provides 5488  
for shared parenting for a child, each parent, regardless of 5489  
where the child is physically located or with whom the child is 5490  
residing at a particular point in time, as specified in the 5491  
order, is the "designated parent and legal custodian" of the 5492  
child. 5493

**Sec. 3109.05.** (A) (1) In a ~~divorce, dissolution of~~ 5494  
~~marriage, legal separation, proceeding pertaining to the~~ 5495  
allocation of parenting responsibilities or child support 5496  
proceeding, the court may order either or both parents to 5497  
support or help support their children, without regard to 5498  
marital misconduct. In determining the amount reasonable or 5499  
necessary for child support, including the medical needs of the 5500  
child, the court shall comply with Chapter 3119. of the Revised 5501  
Code. 5502

(2) The court, in accordance with Chapter 3119. of the 5503  
Revised Code, shall include in each support order made under 5504  
this section the requirement that one or both of the parents 5505  
provide for the health care needs of the child to the 5506  
satisfaction of the court, and the court shall include in the 5507  
support order a requirement that all support payments be made 5508  
through the office of child support in the department of job and 5509  
family services. 5510

(3) The court shall comply with Chapters 3119., 3121., 5511

3123., and 3125. of the Revised Code when it makes or modifies 5512  
an order for child support under this section. 5513

(B) The juvenile court has exclusive jurisdiction to enter 5514  
the orders in any case certified to it from another court. 5515

(C) If any person required to pay child support under an 5516  
order made under division (A) of this section on or after April 5517  
15, 1985, or modified on or after December 1, 1986, is found in 5518  
contempt of court for failure to make support payments under the 5519  
order, the court that makes the finding, in addition to any 5520  
other penalty or remedy imposed, shall assess all court costs 5521  
arising out of the contempt proceeding against the person and 5522  
require the person to pay any reasonable attorney's fees of any 5523  
adverse party, as determined by the court, that arose in 5524  
relation to the act of contempt and, on or after July 1, 1992, 5525  
shall assess interest on any unpaid amount of child support 5526  
pursuant to section 3123.17 of the Revised Code. 5527

(D) The court shall not authorize or permit the escrowing, 5528  
impoundment, or withholding of any child support payment ordered 5529  
under this section or any other section of the Revised Code 5530  
because of a denial of or interference with a right of parenting 5531  
time granted to a parent in an order issued under this section 5532  
~~or section 3109.051~~ a parenting plan pursuant to sections 5533  
3109.041 to 3109.044 or 3109.12 of the Revised Code or 5534  
companionship or visitation granted in an order issued under 5535  
this section, section ~~3109.051~~3109.054, 3109.11, 3109.12, or any 5536  
other section of the Revised Code, or as a method of enforcing 5537  
the specific provisions of any such order dealing with parenting 5538  
time or visitation. 5539

**Sec. 3109.052.** (A) If a proceeding ~~for divorce,~~ 5540  
~~dissolution, legal separation, annulment, or pertaining to the~~ 5541

allocation of ~~parental rights and parenting~~ responsibilities for 5542  
~~the care of a child~~ involves one or more children, if the 5543  
parents of the children do not agree upon an appropriate 5544  
allocation of ~~parental rights and parenting~~ responsibilities for 5545  
~~the care of their children~~ or do not agree upon a specific 5546  
schedule of parenting time for their children, the court may 5547  
order the parents to mediate their differences on those matters 5548  
in accordance with mediation procedures adopted by the court by 5549  
local rule. When the court determines whether mediation is 5550  
appropriate in any proceeding, it shall consider whether either 5551  
parent previously has been convicted of or pleaded guilty to a 5552  
violation of section 2919.25 of the Revised Code involving a 5553  
victim who at the time of the commission of the offense was a 5554  
member of the family or household that is the subject of the 5555  
proceeding, whether either parent previously has been convicted 5556  
of or pleaded guilty to an offense involving a victim who at the 5557  
time of the commission of the offense was a member of the family 5558  
or household that is the subject of the proceeding and caused 5559  
physical harm to the victim in the commission of the offense, 5560  
and whether either parent has been determined to be the 5561  
perpetrator of the abusive act that is the basis of an 5562  
adjudication that a child is an abused child. If either parent 5563  
has been convicted of or pleaded guilty to a violation of 5564  
section 2919.25 of the Revised Code involving a victim who at 5565  
the time of the commission of the offense was a member of the 5566  
family or household that is the subject of the proceeding, has 5567  
been convicted of or pleaded guilty to any other offense 5568  
involving a victim who at the time of the commission of the 5569  
offense was a member of the family or household that is the 5570  
subject of the proceeding and caused physical harm to the victim 5571  
in the commission of the offense, or has been determined to be 5572  
the perpetrator of the abusive act that is the basis of an 5573

adjudication that a child is an abused child, the court may 5574  
order mediation only if the court determines that it is in the 5575  
best interests of the parties to order mediation and makes 5576  
specific written findings of fact to support its determination. 5577

If a court issues an order pursuant to this division 5578  
requiring mediation, it also may order the parents to file a 5579  
mediation report within a specified period of time and order the 5580  
parents to pay the cost of mediation, unless either or both of 5581  
the parents file a motion requesting that the court waive that 5582  
requirement. Upon the filing of a motion requesting the waiver 5583  
of that requirement, the court, for good cause shown, may waive 5584  
the requirement that either or both parents pay the cost of 5585  
mediation or may require one of the parents to pay the entire 5586  
cost of mediation. Any mediation procedures adopted by local 5587  
court rule for use under this division shall include, but are 5588  
not limited to, provisions establishing qualifications for 5589  
mediators who may be employed or used and provisions 5590  
establishing standards for the conduct of the mediation. 5591

(B) If a mediation order is issued under division (A) of 5592  
this section and the order requires the parents to file a 5593  
mediation report, the mediator and each parent who takes part in 5594  
mediation in accordance with the order jointly shall file a 5595  
report of the results of the mediation process with the court 5596  
that issued the order under that division. A mediation report 5597  
shall indicate only whether agreement has been reached on any of 5598  
the issues that were the subject of the mediation, and, if 5599  
agreement has been reached, the content and details of the 5600  
agreement. No mediation report shall contain any background 5601  
information concerning the mediation process or any information 5602  
discussed or presented in the process. The court shall consider 5603  
the mediation report when it allocates ~~parental rights and~~ 5604

~~parenting responsibilities for the care of children~~ under 5605  
section ~~3109.04~~ 3109.041 of the Revised Code and when it 5606  
establishes a specific schedule of parenting time under a 5607  
parenting plan as described in section ~~3109.051~~ 3109.044 of the 5608  
Revised Code. The court is not bound by the mediation report and 5609  
shall consider the best interest of the children when making 5610  
that allocation or establishing the parenting time schedule. 5611

(C) If a mediation order is issued under division (A) of 5612  
this section, the mediator shall not be made a party to, and 5613  
shall not be called as a witness or testify in, any action or 5614  
proceeding, other than a criminal, delinquency, child abuse, 5615  
child neglect, or dependent child action or proceeding, that is 5616  
brought by or against either parent and that pertains to the 5617  
mediation process, to any information discussed or presented in 5618  
the mediation process, to the allocation of ~~parental rights and~~ 5619  
~~parenting responsibilities for the care of the parents'~~ 5620  
~~children, or to~~ including the awarding of parenting time rights 5621  
in relation to their children under a parenting plan. The 5622  
mediator shall not be made a party to, or be called as a witness 5623  
or testify in, such an action or proceeding even if both parents 5624  
give their prior consent to the mediator being made a party to 5625  
or being called as a witness or to testify in the action or 5626  
proceeding. 5627

(D) Division (A) of this section does not apply to either 5628  
of the following: 5629

(1) Any proceeding, or the use of mediation in any 5630  
proceeding that is not a proceeding ~~for divorce, dissolution,~~ 5631  
~~legal separation, annulment, or pertaining to~~ the allocation of 5632  
~~parental rights and parenting responsibilities for the care of a~~ 5633  
~~child;~~ 5634

(2) The use of mediation in any proceeding ~~for divorce,~~ 5635  
~~dissolution, legal separation, annulment, or pertaining to the~~ 5636  
allocation of ~~parental rights and parenting responsibilities for~~ 5637  
~~the care of a child,~~ in relation to issues other than the 5638  
appropriate allocation of ~~parental rights and parenting~~ 5639  
responsibilities ~~for the care of the parents' children~~ and other 5640  
than a specific parenting time schedule for the parents' 5641  
children. 5642

Sec. 3109.054. In a proceeding pertaining to the 5643  
allocation of parenting responsibilities or a child support 5644  
proceeding that involves a child, the court may grant reasonable 5645  
companionship or visitation rights to a relative, person who has 5646  
served as a kinship caregiver, or any other person related to 5647  
the child by consanguinity or affinity, other than a parent, if 5648  
all of the following apply: 5649

(A) The relative, person who has served as a kinship 5650  
caregiver, or other person files a motion with the court seeking 5651  
companionship or visitation rights. 5652

(B) The court determines that the relative, person who has 5653  
served as a kinship caregiver, or other person has an interest 5654  
in the welfare of the child. 5655

(C) The court determines that the granting of the 5656  
companionship or visitation rights is in the best interest of 5657  
the child. 5658

Sec. 3109.055. A motion for companionship or visitation 5659  
may be filed during the pendency of the proceeding that pertains 5660  
to the allocation of parenting responsibilities or child support 5661  
proceeding or, if a motion was not filed at that time or was 5662  
filed at that time and the circumstances in the case have 5663



changed, at any time after a decree or final order is issued in 5664  
the case. 5665

**Sec. 3109.056.** When determining whether to grant 5666  
companionship or visitation rights to a relative, person who has 5667  
served as a kinship caregiver, or other person pursuant to 5668  
section 3109.054, 3109.11, or 3109.12 of the Revised Code, when 5669  
establishing a specific visitation schedule, and when 5670  
determining other visitation matters under section 3109.054, 5671  
3109.11, or 3109.12 of the Revised Code, the court shall 5672  
consider any mediation report that is filed pursuant to section 5673  
3109.052 of the Revised Code and shall consider all other 5674  
relevant factors, including all of the factors listed in section 5675  
3109.057 of the Revised Code. 5676

**Sec. 3109.057.** The court shall consider all of the 5677  
following factors when determining whether to grant 5678  
companionship or visitation rights to a relative, person who has 5679  
served as a kinship caregiver, or any other person pursuant to 5680  
section 3109.054, 3109.11, or 3109.12 of the Revised Code: 5681

(A) The prior interaction and interrelationships of the 5682  
child with the child's parents, siblings, and other persons 5683  
related by consanguinity or affinity, and with the person who 5684  
requested companionship or visitation; 5685

(B) The geographical location of residence of the person 5686  
requesting companionship or visitation and the distance between 5687  
that person's residence and the child's residence; 5688

(C) Available time of the child and the person who 5689  
requested companionship or visitation, including the person's 5690  
employment schedule, the child's school schedule, and the 5691  
child's and person's holiday and vacation schedule; 5692

<u>(D) The age of the child;</u>	5693
<u>(E) The child's adjustment to home, school, and community;</u>	5694
<u>(F) If the court has interviewed the child in chambers,</u>	5695
<u>pursuant to section 3109.058 of the Revised Code, regarding the</u>	5696
<u>wishes and concerns of the child as to companionship or</u>	5697
<u>visitation, a specific visitation schedule, or other visitation</u>	5698
<u>matters, the wishes and concerns of the child, as expressed to</u>	5699
<u>the court;</u>	5700
<u>(G) The health and safety of the child;</u>	5701
<u>(H) The amount of time that will be available for the</u>	5702
<u>child to spend with siblings;</u>	5703
<u>(I) The mental and physical health of all parties;</u>	5704
<u>(J) The willingness of the person requesting companionship</u>	5705
<u>or visitation to reschedule missed visitation;</u>	5706
<u>(K) Whether the person requesting companionship or</u>	5707
<u>visitation previously has been convicted of or pleaded guilty to</u>	5708
<u>any criminal offense involving any act that resulted in a child</u>	5709
<u>being an abused child or a neglected child; whether the person,</u>	5710
<u>in a case in which a child has been adjudicated an abused child</u>	5711
<u>or a neglected child, previously has been determined to be the</u>	5712
<u>perpetrator of the abusive or neglectful act that is the basis</u>	5713
<u>of the adjudication; and whether there is reason to believe that</u>	5714
<u>the person has acted in a manner resulting in a child being an</u>	5715
<u>abused child or a neglected child;</u>	5716
<u>(L) The wishes and concerns of the child's parents or</u>	5717
<u>legal custodian, as expressed by them to the court;</u>	5718
<u>(M) Any other factor in the best interest of the child.</u>	5719

Sec. 3109.058. (A) In considering the factors listed in 5720  
section 3109.057 of the Revised Code, the court may interview in 5721  
chambers any or all involved children on their wishes and 5722  
concerns regarding companionship or visitation matters. 5723

(B) If the court interviews any child concerning the 5724  
child's wishes and concerns, the interview shall be conducted in 5725  
chambers or another location designated by the court. 5726

(C) Before conducting or completing an interview under 5727  
this section, the court shall determine both of the following: 5728

(1) That the child has sufficient reasoning ability; 5729

(2) That there are no special circumstances that would 5730  
indicate the interview would not be in the best interest of the 5731  
child. 5732

(D) (1) For the interview of a child under this section, 5733  
the court may designate a mental health professional to assist 5734  
in conducting the interview. 5735

(2) A mental health professional designated under division 5736  
(D) (1) of this section shall not disclose information about the 5737  
interview and shall not make any recommendations or express any 5738  
opinions to the court with respect to the interview. 5739

(3) The mental health professional shall not be called to 5740  
testify. 5741

Sec. 3109.059. (A) The child, attorney for the child, if 5742  
any, and any court personnel deemed necessary by the court shall 5743  
be present at an interview under section 3109.058 of the Revised 5744  
Code. 5745

(B) The court may have the child's guardian ad litem and 5746  
mental health professional present during the interview. 5747

(C) If the court interviews a child, it shall permit a person seeking companionship or visitation to submit written questions to the court that the court may use during the interview. 5748  
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(D) If the court interviews a child, it shall record the interview. Only the court and appellate courts shall have access to the record of the interview. 5752  
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Sec. 3109.0510. No person shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the wishes and concerns of the child regarding companionship or visitation matters. The court shall not accept or consider a written or recorded statement or affidavit that purports to set forth the child's wishes or concerns regarding those matters. 5755  
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Sec. 3109.0511. The remarriage of a parent of a child does not affect the authority of a court to grant reasonable companionship or visitation rights with respect to the child to any relative, person who has served as a kinship caregiver, or any other person. 5762  
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Sec. 3109.0512. If the court denies a motion for reasonable companionship or visitation rights and the person denied those rights files a written request for findings of fact and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52. 5767  
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Sec. 3109.0513. Any person who requests reasonable companionship or visitation rights with respect to a child may file a motion with the court requesting that it waive all or any part of the costs that may accrue in the proceedings. If the 5773  
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court determines that the person making the motion is indigent 5777  
and that the waiver is in the best interest of the child, the 5778  
court may waive payment of all or any part of the costs of those 5779  
proceedings. 5780

**Sec. ~~3109.051~~ 3109.0515.** ~~(A) If a divorce, dissolution,~~ 5781  
~~legal separation, or annulment proceeding involves a child and~~ 5782  
~~if the court has not issued a shared parenting decree, the court~~ 5783  
~~shall consider any mediation report filed pursuant to section~~ 5784  
~~3109.052 of the Revised Code and, in accordance with division~~ 5785  
~~(C) of this section, shall make a just and reasonable order or~~ 5786  
~~decree permitting each parent who is not the residential parent~~ 5787  
~~to have parenting time with the child at the time and under the~~ 5788  
~~conditions that the court directs, unless the court determines~~ 5789  
~~that it would not be in the best interest of the child to permit~~ 5790  
~~that parent to have parenting time with the child and includes~~ 5791  
~~in the journal its findings of fact and conclusions of law.~~ 5792  
~~Whenever possible, the order or decree permitting the parenting~~ 5793  
~~time shall ensure the opportunity for both parents to have~~ 5794  
~~frequent and continuing contact with the child, unless frequent~~ 5795  
~~and continuing contact by either parent with the child would not~~ 5796  
~~be in the best interest of the child. The court shall include in~~ 5797  
~~its final decree a specific schedule of parenting time for that~~ 5798  
~~parent. Except as provided in division (E) (6) of section 3113.31~~ 5799  
~~of the Revised Code, if the court, pursuant to this section,~~ 5800  
~~grants parenting time to a parent or companionship or visitation~~ 5801  
~~rights to any other person with respect to any child, it shall~~ 5802  
~~not require the public children services agency to provide~~ 5803  
~~supervision of or other services related to that parent's~~ 5804  
~~exercise of parenting time or that person's exercise of~~ 5805  
~~companionship or visitation rights with respect to the child.~~ 5806  
~~This section does not limit the power of a juvenile court~~ 5807

~~pursuant to Chapter 2151. of the Revised Code to issue orders— 5808  
with respect to children who are alleged to be abused,— 5809  
neglected, or dependent children or to make dispositions of— 5810  
children who are adjudicated abused, neglected, or dependent— 5811  
children or of a common pleas court to issue orders pursuant to— 5812  
section 3113.31 of the Revised Code.— 5813~~

~~(B) (1) In a divorce, dissolution of marriage, legal— 5814  
separation, annulment, or child support proceeding that involves— 5815  
a child, the court may grant reasonable companionship or— 5816  
visitation rights to any grandparent, any person related to the— 5817  
child by consanguinity or affinity, or any other person other— 5818  
than a parent, if all of the following apply:— 5819~~

~~(a) The grandparent, relative, or other person files a— 5820  
motion with the court seeking companionship or visitation— 5821  
rights.— 5822~~

~~(b) The court determines that the grandparent, relative,— 5823  
or other person has an interest in the welfare of the child.— 5824~~

~~(c) The court determines that the granting of the— 5825  
companionship or visitation rights is in the best interest of— 5826  
the child.— 5827~~

~~(2) A motion may be filed under division (B) (1) of this— 5828  
section during the pendency of the divorce, dissolution of— 5829  
marriage, legal separation, annulment, or child support— 5830  
proceeding or, if a motion was not filed at that time or was— 5831  
filed at that time and the circumstances in the case have— 5832  
changed, at any time after a decree or final order is issued in— 5833  
the case.— 5834~~

~~(C) When determining whether to grant parenting time— 5835  
rights to a parent pursuant to this section or section 3109.12— 5836~~

~~of the Revised Code or to grant companionship or visitation~~ 5837  
~~rights to a grandparent, relative, or other person pursuant to~~ 5838  
~~this section or section 3109.11 or 3109.12 of the Revised Code,~~ 5839  
~~when establishing a specific parenting time or visitation~~ 5840  
~~schedule, and when determining other parenting time matters~~ 5841  
~~under this section or section 3109.12 of the Revised Code or~~ 5842  
~~visitation matters under this section or section 3109.11 or~~ 5843  
~~3109.12 of the Revised Code, the court shall consider any~~ 5844  
~~mediation report that is filed pursuant to section 3109.052 of~~ 5845  
~~the Revised Code and shall consider all other relevant factors,~~ 5846  
~~including, but not limited to, all of the factors listed in~~ 5847  
~~division (D) of this section. In considering the factors listed~~ 5848  
~~in division (D) of this section for purposes of determining~~ 5849  
~~whether to grant parenting time or visitation rights,~~ 5850  
~~establishing a specific parenting time or visitation schedule,~~ 5851  
~~determining other parenting time matters under this section or~~ 5852  
~~section 3109.12 of the Revised Code or visitation matters under~~ 5853  
~~this section or under section 3109.11 or 3109.12 of the Revised~~ 5854  
~~Code, and resolving any issues related to the making of any~~ 5855  
~~determination with respect to parenting time or visitation~~ 5856  
~~rights or the establishment of any specific parenting time or~~ 5857  
~~visitation schedule, the court, in its discretion, may interview~~ 5858  
~~in chambers any or all involved children regarding their wishes~~ 5859  
~~and concerns. If the court interviews any child concerning the~~ 5860  
~~child's wishes and concerns regarding those parenting time or~~ 5861  
~~visitation matters, the interview shall be conducted in~~ 5862  
~~chambers, and no person other than the child, the child's~~ 5863  
~~attorney, the judge, any necessary court personnel, and, in the~~ 5864  
~~judge's discretion, the attorney of each parent shall be~~ 5865  
~~permitted to be present in the chambers during the interview. No~~ 5866  
~~person shall obtain or attempt to obtain from a child a written~~ 5867  
~~or recorded statement or affidavit setting forth the wishes and~~ 5868

~~concerns of the child regarding those parenting time or 5869  
visitation matters. A court, in considering the factors listed 5870  
in division (D) of this section for purposes of determining 5871  
whether to grant any parenting time or visitation rights, 5872  
establishing a parenting time or visitation schedule, 5873  
determining other parenting time matters under this section or 5874  
section 3109.12 of the Revised Code or visitation matters under 5875  
this section or under section 3109.11 or 3109.12 of the Revised 5876  
Code, or resolving any issues related to the making of any 5877  
determination with respect to parenting time or visitation 5878  
rights or the establishment of any specific parenting time or 5879  
visitation schedule, shall not accept or consider a written or 5880  
recorded statement or affidavit that purports to set forth the 5881  
child's wishes or concerns regarding those parenting time or 5882  
visitation matters. 5883~~

~~(D) In determining whether to grant parenting time to a 5884  
parent pursuant to this section or section 3109.12 of the 5885  
Revised Code or companionship or visitation rights to a 5886  
grandparent, relative, or other person pursuant to this section 5887  
or section 3109.11 or 3109.12 of the Revised Code, in 5888  
establishing a specific parenting time or visitation schedule, 5889  
and in determining other parenting time matters under this 5890  
section or section 3109.12 of the Revised Code or visitation 5891  
matters under this section or section 3109.11 or 3109.12 of the 5892  
Revised Code, the court shall consider all of the following 5893  
factors: 5894~~

~~(1) The prior interaction and interrelationships of the 5895  
child with the child's parents, siblings, and other persons 5896  
related by consanguinity or affinity, and with the person who 5897  
requested companionship or visitation if that person is not a 5898  
parent, sibling, or relative of the child; 5899~~



~~(2) The geographical location of the residence of each parent and the distance between those residences, and if the person is not a parent, the geographical location of that person's residence and the distance between that person's residence and the child's residence;~~ 5900  
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~~(3) The child's and parents' available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parents' holiday and vacation schedule;~~ 5905  
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~~(4) The age of the child;~~ 5909

~~(5) The child's adjustment to home, school, and community;~~ 5910

~~(6) If the court has interviewed the child in chambers, pursuant to division (C) of this section, regarding the wishes and concerns of the child as to parenting time by the parent who is not the residential parent or companionship or visitation by the grandparent, relative, or other person who requested companionship or visitation, as to a specific parenting time or visitation schedule, or as to other parenting time or visitation matters, the wishes and concerns of the child, as expressed to the court;~~ 5911  
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~~(7) The health and safety of the child;~~ 5920

~~(8) The amount of time that will be available for the child to spend with siblings;~~ 5921  
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~~(9) The mental and physical health of all parties;~~ 5923

~~(10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights, and with respect to a person who requested companionship or visitation, the willingness of that person to~~ 5924  
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~~reschedule missed visitation;—~~ 5928

~~(11) In relation to parenting time, whether either parent— 5929  
previously has been convicted of or pleaded guilty to any— 5930  
criminal offense involving any act that resulted in a child— 5931  
being an abused child or a neglected child; whether either— 5932  
parent, in a case in which a child has been adjudicated an— 5933  
abused child or a neglected child, previously has been— 5934  
determined to be the perpetrator of the abusive or neglectful— 5935  
act that is the basis of the adjudication; and whether there is— 5936  
reason to believe that either parent has acted in a manner— 5937  
resulting in a child being an abused child or a neglected child;— 5938~~

~~(12) In relation to requested companionship or visitation— 5939  
by a person other than a parent, whether the person previously— 5940  
has been convicted of or pleaded guilty to any criminal offense— 5941  
involving any act that resulted in a child being an abused child— 5942  
or a neglected child; whether the person, in a case in which a— 5943  
child has been adjudicated an abused child or a neglected child,— 5944  
previously has been determined to be the perpetrator of the— 5945  
abusive or neglectful act that is the basis of the adjudication;— 5946  
whether either parent previously has been convicted of or— 5947  
pleaded guilty to a violation of section 2919.25 of the Revised— 5948  
Code involving a victim who at the time of the commission of the— 5949  
offense was a member of the family or household that is the— 5950  
subject of the current proceeding; whether either parent— 5951  
previously has been convicted of an offense involving a victim— 5952  
who at the time of the commission of the offense was a member of— 5953  
the family or household that is the subject of the current— 5954  
proceeding and caused physical harm to the victim in the— 5955  
commission of the offense; and whether there is reason to— 5956  
believe that the person has acted in a manner resulting in a— 5957  
child being an abused child or a neglected child;— 5958~~

~~(13) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court;~~ 5959  
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~~(14) Whether either parent has established a residence or is planning to establish a residence outside this state;~~ 5963  
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~~(15) In relation to requested companionship or visitation by a person other than a parent, the wishes and concerns of the child's parents, as expressed by them to the court;~~ 5965  
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~~(16) Any other factor in the best interest of the child.~~ 5968

~~(E) The remarriage of a residential parent of a child does not affect the authority of a court under this section to grant parenting time rights with respect to the child to the parent who is not the residential parent or to grant reasonable companionship or visitation rights with respect to the child to any grandparent, any person related by consanguinity or affinity, or any other person.~~ 5969  
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~~(F) (1) If the court, pursuant to division (A) of this section, denies parenting time to a parent who is not the residential parent or denies a motion for reasonable companionship or visitation rights filed under division (B) of this section and the parent or movant files a written request for findings of fact and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52.~~ 5976  
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~~(2) On or before July 1, 1991, each court of common pleas, by rule, shall adopt standard parenting time guidelines. A court shall have discretion to deviate from its standard parenting time guidelines based upon factors set forth in division (D) of~~ 5984  
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~~this section.~~

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~~(G) (1) If the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the parent shall file a notice of intent to relocate with the court that issued the order or decree. Except as provided in divisions (G) (2), (3), and (4) of this section, the court shall send a copy of the notice to the parent who is not the residential parent. Upon receipt of the notice, the court, on its own motion or the motion of the parent who is not the residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child.~~

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~~(2) When a court grants parenting time rights to a parent who is not the residential parent, the court shall determine whether that parent has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court determines that that parent has not been so convicted and has not been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that a copy of any notice of relocation that is filed with the court pursuant to division (G) (1) of this~~

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~~section will be sent to the parent who is given the parenting- 6019  
time rights in accordance with division (G) (1) of this section. 6020~~

~~If the court determines that the parent who is granted the 6021  
parenting time rights has been convicted of or pleaded guilty to 6022  
a violation of section 2919.25 of the Revised Code involving a 6023  
victim who at the time of the commission of the offense was a 6024  
member of the family or household that is the subject of the 6025  
proceeding, has been convicted of or pleaded guilty to any other 6026  
offense involving a victim who at the time of the commission of 6027  
the offense was a member of the family or household that is the 6028  
subject of the proceeding and caused physical harm to the victim 6029  
in the commission of the offense, or has been determined to be 6030  
the perpetrator of the abusive act that is the basis of an 6031  
adjudication that a child is an abused child, it shall issue an 6032  
order stating that that parent will not be given a copy of any 6033  
notice of relocation that is filed with the court pursuant to 6034  
division (G) (1) of this section unless the court determines that 6035  
it is in the best interest of the children to give that parent a 6036  
copy of the notice of relocation, issues an order stating that 6037  
that parent will be given a copy of any notice of relocation 6038  
filed pursuant to division (G) (1) of this section, and issues 6039  
specific written findings of fact in support of its 6040  
determination. 6041~~

~~(3) If a court, prior to April 11, 1991, issued an order 6042  
granting parenting time rights to a parent who is not the 6043  
residential parent and did not require the residential parent in 6044  
that order to give the parent who is granted the parenting time 6045  
rights notice of any change of address and if the residential 6046  
parent files a notice of relocation pursuant to division (G) (1) 6047  
of this section, the court shall determine if the parent who is 6048  
granted the parenting time rights has been convicted of or 6049~~

~~pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court determines that the parent who is granted the parenting time rights has not been so convicted and has not been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that a copy of any notice of relocation that is filed with the court pursuant to division (G) (1) of this section will be sent to the parent who is granted parenting time rights in accordance with division (G) (1) of this section.~~

~~If the court determines that the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, it shall issue an order stating that that parent will not be given a copy of any~~

~~notice of relocation that is filed with the court pursuant to 6081  
division (G) (1) of this section unless the court determines that 6082  
it is in the best interest of the children to give that parent a 6083  
copy of the notice of relocation, issues an order stating that 6084  
that parent will be given a copy of any notice of relocation 6085  
filed pursuant to division (G) (1) of this section, and issues 6086  
specific written findings of fact in support of its 6087  
determination. 6088~~

~~(4) If a parent who is granted parenting time rights 6089  
pursuant to this section or any other section of the Revised 6090  
Code is authorized by an order issued pursuant to this section 6091  
or any other court order to receive a copy of any notice of 6092  
relocation that is filed pursuant to division (G) (1) of this 6093  
section or pursuant to court order, if the residential parent 6094  
intends to move to a residence other than the residence address 6095  
specified in the parenting time order, and if the residential 6096  
parent does not want the parent who is granted the parenting 6097  
time rights to receive a copy of the relocation notice because 6098  
the parent with parenting time rights has been convicted of or 6099  
pleaded guilty to a violation of section 2919.25 of the Revised 6100  
Code involving a victim who at the time of the commission of the 6101  
offense was a member of the family or household that is the 6102  
subject of the proceeding, has been convicted of or pleaded 6103  
guilty to any other offense involving a victim who at the time 6104  
of the commission of the offense was a member of the family or 6105  
household that is the subject of the proceeding and caused 6106  
physical harm to the victim in the commission of the offense, or 6107  
has been determined to be the perpetrator of the abusive act 6108  
that is the basis of an adjudication that a child is an abused 6109  
child, the residential parent may file a motion with the court 6110  
requesting that the parent who is granted the parenting time 6111~~

~~rights not receive a copy of any notice of relocation. Upon the~~ 6112  
~~filing of the motion, the court shall schedule a hearing on the~~ 6113  
~~motion and give both parents notice of the date, time, and~~ 6114  
~~location of the hearing. If the court determines that the parent~~ 6115  
~~who is granted the parenting time rights has been so convicted~~ 6116  
~~or has been determined to be the perpetrator of an abusive act~~ 6117  
~~that is the basis of a child abuse adjudication, the court shall~~ 6118  
~~issue an order stating that the parent who is granted the~~ 6119  
~~parenting time rights will not be given a copy of any notice of~~ 6120  
~~relocation that is filed with the court pursuant to division (G)~~ 6121  
~~(1) of this section or that the residential parent is no longer~~ 6122  
~~required to give that parent a copy of any notice of relocation~~ 6123  
~~unless the court determines that it is in the best interest of~~ 6124  
~~the children to give that parent a copy of the notice of~~ 6125  
~~relocation, issues an order stating that that parent will be~~ 6126  
~~given a copy of any notice of relocation filed pursuant to~~ 6127  
~~division (G) (1) of this section, and issues specific written~~ 6128  
~~findings of fact in support of its determination. If it does not~~ 6129  
~~so find, it shall dismiss the motion.~~ 6130

~~(H) (1) Subject to section 3125.16 and division (F) of~~ 6131  
~~section 3319.321 of the Revised Code, a parent of a child who is~~ 6132  
~~not the residential parent of the child is entitled to access,~~ 6133  
~~under the same terms and conditions under which access is~~ 6134  
~~provided to the residential parent, to any record that is~~ 6135  
~~related to the child and to which the residential parent of the~~ 6136  
~~child legally is provided access, unless the court determines~~ 6137  
~~that it would not be in the best interest of the child for the~~ 6138  
~~parent who is not the residential parent to have access to the~~ 6139  
~~records under those same terms and conditions. If the court~~ 6140  
~~determines that the parent of a child who is not the residential~~ 6141  
~~parent should not have access to records related to the child~~ 6142



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

~~(2) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (H) (1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent, unless the residential parent has presented the keeper of the record with a copy of an order issued under division (H) (1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to records pertaining to the child and the order pertains to the record in question. If the residential parent presents the keeper of the record with a copy of that type of order, the keeper of the record shall permit the parent who is not the residential parent to have access to the record only in accordance with the most recent order that has been issued pursuant to division (H) (1) of this section and presented to the keeper by the residential parent or the parent who is not the residential parent. Any~~

~~keeper of any record who knowingly fails to comply with division- 6174  
(H) of this section or with any order issued pursuant to 6175  
division (H) (1) of this section is in contempt of court. 6176~~

~~(3) The prosecuting attorney of any county may file a 6177  
complaint with the court of common pleas of that county 6178  
requesting the court to issue a protective order preventing the 6179  
disclosure pursuant to division (H) (1) or (2) of this section of 6180  
any confidential law enforcement investigatory record. The court 6181  
shall schedule a hearing on the motion and give notice of the 6182  
date, time, and location of the hearing to all parties. 6183~~

~~(I) A court that issues a parenting time order or decree 6184  
pursuant to this section or section 3109.12 of the Revised Code 6185  
shall determine whether the parent granted the right of 6186  
parenting time is to be permitted access, in accordance with 6187  
section 5104.039 of the Revised Code, to any child care center 6188  
that is, or that in the future may be, attended by the children 6189  
with whom the right of parenting time is granted. Unless the 6190  
court determines that the parent who is not the residential 6191  
parent should not have access to the center to the same extent 6192  
that the residential parent is granted access to the center, the 6193  
parent who is not the residential parent and who is granted 6194  
parenting time rights is entitled to access to the center to the 6195  
same extent that the residential parent is granted access to the 6196  
center. If the court determines that the parent who is not the 6197  
residential parent should not have access to the center to the 6198  
same extent that the residential parent is granted such access 6199  
under section 5104.039 of the Revised Code, the court shall 6200  
specify the terms and conditions under which the parent who is 6201  
not the residential parent is to have access to the center, 6202  
provided that the access shall not be greater than the access 6203  
that is provided to the residential parent under section 6204~~

~~5104.039 of the Revised Code, the court shall enter its written findings of fact and opinions in the journal, and the court shall include the terms and conditions of access in the parenting time order or decree.~~

~~(J)(1) Subject to division (F) of section 3319.321 of the Revised Code, when a court issues an order or decree allocating parental rights and responsibilities for the care of a child, the parent of the child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any student activity that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child to grant the parent who is not the residential parent access to the student activities under those same terms and conditions. If the court determines that the parent of the child who is not the residential parent should not have access to any student activity that is related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those student activities, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any school official or employee who knowingly fails to comply with the order or division (J) of this section is in contempt of court.~~

~~(2) Subject to division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under~~

~~division (J) (1) of this section, all school officials and 6236  
employees shall permit the parent of the child who is not the 6237  
residential parent to have access to any student activity under 6238  
the same terms and conditions under which access is provided to 6239  
the residential parent of the child, unless the residential 6240  
parent has presented the school official or employee, the board 6241  
of education of the school, or the governing body of the 6242  
chartered nonpublic school with a copy of an order issued under 6243  
division (J) (1) of this section that limits the terms and 6244  
conditions under which the parent who is not the residential 6245  
parent is to have access to student activities related to the 6246  
child and the order pertains to the student activity in 6247  
question. If the residential parent presents the school official 6248  
or employee, the board of education of the school, or the 6249  
governing body of the chartered nonpublic school with a copy of 6250  
that type of order, the school official or employee shall permit 6251  
the parent who is not the residential parent to have access to 6252  
the student activity only in accordance with the most recent 6253  
order that has been issued pursuant to division (J) (1) of this 6254  
section and presented to the school official or employee, the 6255  
board of education of the school, or the governing body of the 6256  
chartered nonpublic school by the residential parent or the 6257  
parent who is not the residential parent. Any school official or 6258  
employee who knowingly fails to comply with division (J) of this 6259  
section or with any order issued pursuant to division (J) (1) of 6260  
this section is in contempt of court. 6261~~

~~(K) If any person is found in contempt of court for 6262  
failing to comply with or interfering with any order or decree 6263  
granting parenting time rights issued pursuant to this section 6264  
or section 3109.12 of the Revised Code or companionship or 6265  
visitation rights issued pursuant to this section, section 6266~~

~~3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt, and may award reasonable compensatory parenting time or visitation to the person whose right of parenting time or visitation was affected by the failure or interference if such compensatory parenting time or visitation is in the best interest of the child. Any compensatory parenting time or visitation awarded under this division shall be included in an order issued by the court and, to the extent possible, shall be governed by the same terms and conditions as was the parenting time or visitation that was affected by the failure or interference.~~

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

~~(M) (1) A parent who receives an order for active military service in the uniformed services and who is subject to a parenting time order may apply to the court for any of the~~

~~following temporary orders for the period extending from the~~ 6298  
~~date of the parent's departure to the date of return:—~~ 6299

~~(a) An order delegating all or part of the parent's~~ 6300  
~~parenting time with the child to a relative or to another person~~ 6301  
~~who has a close and substantial relationship with the child if~~ 6302  
~~the delegation is in the child's best interest;—~~ 6303

~~(b) An order that the other parent make the child~~ 6304  
~~reasonably available for parenting time with the parent when the~~ 6305  
~~parent is on leave from active military service;—~~ 6306

~~(c) An order that the other parent facilitate contact,~~ 6307  
~~including telephone and electronic contact, between the parent~~ 6308  
~~and child while the parent is on active military service.—~~ 6309

~~(2) (a) Upon receipt of an order for active military~~ 6310  
~~service, a parent who is subject to a parenting time order and~~ 6311  
~~seeks an order under division (M) (1) of this section shall~~ 6312  
~~notify the other parent who is subject to the parenting time~~ 6313  
~~order and apply to the court as soon as reasonably possible~~ 6314  
~~after receipt of the order for active military service. The~~ 6315  
~~application shall include the date on which the active military~~ 6316  
~~service begins.—~~ 6317

~~(b) The court shall schedule a hearing upon receipt of an~~ 6318  
~~application under division (M) of this section and hold the~~ 6319  
~~hearing not later than thirty days after its receipt, except~~ 6320  
~~that the court shall give the case calendar priority and handle~~ 6321  
~~the case expeditiously if exigent circumstances exist in the~~ 6322  
~~case. No hearing shall be required if both parents agree to the~~ 6323  
~~terms of the requested temporary order and the court determines~~ 6324  
~~that the order is in the child's best interest.—~~ 6325

~~(c) In determining whether a delegation under division (M)~~ 6326

~~(1) (a) of this section is in the child's best interest, the court shall consider all relevant factors, including the factors set forth in division (D) of this section.~~ 6327  
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~~(d) An order delegating all or part of the parent's parenting time pursuant to division (M) (1) (a) of this section does not create standing on behalf of the person to whom parenting time is delegated to assert visitation or companionship rights independent of the order.~~ 6330  
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~~(3) At the request of a parent who is ordered for active military service in the uniformed services and who is a subject of a proceeding pertaining to a parenting time order or pertaining to a request for companionship rights or visitation with a child, the court shall permit the parent to participate in the proceeding and present evidence by electronic means, including communication by telephone, video, or internet to the extent permitted by rules of the supreme court of Ohio.~~ 6335  
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~~(N) The juvenile court has exclusive jurisdiction to enter the orders in any case certified to it from another court.~~ 6343  
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~~(O) As used in this section sections 3109.0516 to 3109.0529 of the Revised Code:~~ 6345  
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~~(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.~~ 6347  
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~~(2) "Active military service" and "uniformed services" have the same meanings as in section 3109.04 of the Revised Code.~~ 6350  
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~~(3) (A) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.~~ 6353  
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~~(4) "Parenting time order" means an order establishing the amount of time that a child spends with the parent who is not the residential parent or the amount of time that the child is to be physically located with a parent under a shared parenting order.~~

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

~~(a) (1) Records maintained by public and nonpublic schools;~~

~~(b) (2) Records maintained by facilities that provide child care, as defined in section 5104.01 of the Revised Code, publicly funded child care, as defined in section 5104.01 of the Revised Code, or pre-school services operated by or under the supervision of a school district board of education or a nonpublic school;~~

~~(c) (3) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;~~

~~(d) (4) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. Access to records maintained by a child support enforcement agency is governed by section 3125.16 of the Revised Code.~~

Sec. 3109.0516. Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, a parent or legal custodian of a child is entitled to access to any record that is related to the child, unless the court determines that it would



not be in the best interest of the child for the parent or legal 6385  
custodian to have access to the records. 6386

**Sec. 3109.0517.** If the court determines that a parent or 6387  
legal custodian of a child should not have access to records 6388  
related to the child, the court shall do the following: 6389

(A) Specify the terms, conditions, and limitations under 6390  
which the parent or legal custodian is to have access to those 6391  
records; 6392

(B) Enter its written findings of facts and conclusions of 6393  
law in the journal; 6394

(C) Issue an order containing both of the following: 6395

(1) The terms, conditions, and limitations on the parents 6396  
or legal custodian; 6397

(2) A notice that any keeper of a record who knowingly 6398  
fails to comply with the order or section 3109.0516 of the 6399  
Revised Code may be found in contempt of court. 6400

**Sec. 3109.0518.** (A) Subject to section 3125.16 and 6401  
division (F) of section 3319.321 of the Revised Code, after the 6402  
issuance of an order under section 3109.0517 of the Revised 6403  
Code, the keeper of any record regarding a particular child and 6404  
to which a parent or legal custodian legally is provided access 6405  
shall permit the parent or legal custodian of the child to have 6406  
access to the record, unless a parent or legal custodian has 6407  
presented the keeper of the record with a copy of an order 6408  
issued under section 3109.0517 of the Revised Code that 6409  
specifies the terms, conditions, and limitations under which a 6410  
parent or legal custodian may have access to records pertaining 6411  
to the child and the order pertains to the record in question. 6412

(B) The keeper of the record shall permit the parent or 6413  
legal custodian to have access to the record only in accordance 6414  
with the most recent order that has been issued pursuant to 6415  
section 3109.0517 of the Revised Code and presented to the 6416  
keeper by the parent or legal custodian. 6417

(C) Any keeper of any record who knowingly fails to comply 6418  
with section 3109.0516 of the Revised Code or with any order 6419  
issued pursuant to section 3109.0517 of the Revised Code may be 6420  
found in contempt of court. 6421

**Sec. 3109.0519.** The prosecuting attorney of any county may 6422  
file a complaint with the court of common pleas of that county 6423  
requesting the court to issue a protective order preventing the 6424  
disclosure pursuant to sections 3109.0516 to 3109.0518 of the 6425  
Revised Code of any confidential law enforcement investigatory 6426  
record. The court shall schedule a hearing on the motion and 6427  
give notice of the date, time, and location of the hearing to 6428  
all parties. 6429

**Sec. 3109.0521.** Subject to section 5104.039 of the Revised 6430  
Code, a parent or legal custodian who has been allocated 6431  
parenting responsibilities is permitted access, in accordance 6432  
with section 5104.039 of the Revised Code, to any child day-care 6433  
center that is, or that in the future may be, attended by the 6434  
child, unless the court determines that it is not in the child's 6435  
best interest for a parent or legal custodian to have access to 6436  
the center. 6437

**Sec. 3109.0522.** If the court determines that the parent or 6438  
legal custodian should not have access to a child day-care 6439  
center, the court shall do the following: 6440

(A) Specify the terms, conditions, or limitations under 6441

which the parent or legal custodian is to have access to the 6442  
center; 6443

(B) Enter its written findings of fact and conclusions of 6444  
law in the journal; 6445

(C) Issue an order containing both of the following: 6446

(1) The terms, conditions, or limitations of access to the 6447  
parents or legal custodian; 6448

(2) A notice that any child day-care center official or 6449  
employee who knowingly fails to comply with the order or section 6450  
3109.0521 of the Revised Code may be found in contempt of court. 6451

**Sec. 3109.0523.** All child day-care center officials and 6452  
employees shall permit a parent or legal custodian who has been 6453  
allocated parenting responsibilities to have access to any child 6454  
day-care center that is, or that in the future may be, attended 6455  
by the child, unless presented with a copy of an order issued 6456  
under section 3109.0522 of the Revised Code that specifies the 6457  
terms, conditions, or limitations under which a parent or legal 6458  
custodian may access the child day-care center. The child day- 6459  
care center official or employee shall permit a parent or legal 6460  
custodian to have access to the center only in accordance with 6461  
the most recent order issued and presented. 6462

**Sec. 3109.0524.** Any child day-care center official or 6463  
employee who knowingly fails to comply with section 3109.0521 of 6464  
the Revised Code or with any order issued pursuant to section 6465  
3109.0522 of the Revised Code may be found in contempt of court. 6466

**Sec. 3109.0526.** Subject to division (F) of section 6467  
3319.321 of the Revised Code, when a court issues an order or 6468  
decree allocating parenting responsibilities, the parents or 6469  
legal custodian of the child are entitled to access to any 6470

student activity that is related to the child, unless the court 6471  
determines that it would not be in the best interest of the 6472  
child to grant the parent or legal custodian access to the 6473  
student activities. 6474

**Sec. 3109.0527.** If the court determines that a parent or 6475  
legal custodian should not have access to any student activity, 6476  
the court shall do the following: 6477

(A) Specify the terms, conditions, or limitations under 6478  
which the parent or legal custodian is to have access to those 6479  
student activities; 6480

(B) Enter its written findings of facts and conclusions of 6481  
law in the journal; 6482

(C) Issue an order containing both of the following: 6483

(1) The terms, conditions, or limitations to both the 6484  
parents and legal custodian; 6485

(2) A notice that any school official or employee who 6486  
knowingly fails to comply with the order or section 3109.0526 of 6487  
the Revised Code may be found in contempt of court. 6488

**Sec. 3109.0528.** Subject to division (F) of section 6489  
3319.321 of the Revised Code, subsequent to the issuance of an 6490  
order under section 3109.0527 of the Revised Code, all school 6491  
officials and employees, the board of education of a school, or 6492  
the governing body of a chartered nonpublic school shall permit 6493  
the parent or legal custodian to have access to any student 6494  
activity, unless the designated parent or legal custodian has 6495  
presented the school official or employee, the board of 6496  
education of the school, or the governing body of the chartered 6497  
nonpublic school with a copy of an order issued under section 6498  
3109.0527 of the Revised Code that specifies the terms, 6499

conditions, or limitations under which the parent or legal 6500  
custodian is to have access to student activities related to the 6501  
child and the order pertains to the student activity in 6502  
question. 6503

The school official or employee, the board of education of 6504  
the school, or the governing body of the chartered nonpublic 6505  
school that is presented with a copy of that type of order shall 6506  
permit the parent or legal custodian to have access to the 6507  
student activity only in accordance with the most recent order 6508  
that has been issued pursuant to section 3109.0527 of the 6509  
Revised Code and presented to the school official or employee, 6510  
the board of education of the school, or the governing body of 6511  
the chartered nonpublic school. 6512

**Sec. 3109.0529.** Any school official or employee who 6513  
knowingly fails to comply with section 3109.0526 of the Revised 6514  
Code or with any order issued pursuant to section 3109.0527 of 6515  
the Revised Code may be found in contempt of court. 6516

**Sec. ~~3109.054~~ 3109.0550.** When allocating ~~parental rights~~ 6517  
~~and parenting responsibilities or parenting time~~ under a 6518  
~~parenting plan,~~ no court shall deny or limit a parent's ~~parental~~ 6519  
~~rights and parenting responsibilities or parenting time~~ based on 6520  
the parent's decision to do any of the following: 6521

(A) Refer to and raise the child in a manner consistent 6522  
with the child's biological sex; 6523

(B) Decline to consent to the child receiving gender 6524  
transition services as defined in section 3129.01 of the Revised 6525  
Code; 6526

(C) Decline to consent to the child receiving counseling 6527  
or other mental health services for the purpose of affirming the 6528

child's perception of the child's gender or sex, if the child's 6529  
perception is inconsistent with the child's biological sex. 6530

**Sec. ~~3109.055~~ 3109.0570.** (A) If a child is born to an 6531  
unmarried woman and the father of the child has acknowledged the 6532  
child and that acknowledgment has become final pursuant to 6533  
section 2151.232, 3111.25, or 3111.821 of the Revised Code or 6534  
has been determined in an action under Chapter 3111. of the 6535  
Revised Code to be the father of the child, the court, upon its 6536  
own motion or the motion of one of the parties, may order the 6537  
parents to undergo conciliation with a magistrate in order to 6538  
resolve any disputes regarding the allocation of ~~parental rights~~ 6539  
~~and parenting~~ responsibilities between the parents in a case 6540  
pending before the court. An order requiring conciliation shall 6541  
set forth the ~~the~~ name of the magistrate who will serve as the 6542  
conciliator and the manner in which the costs of any 6543  
conciliation procedures are to be paid. 6544

(B) A magistrate who serves as a conciliator shall use 6545  
conciliation procedures to resolve a dispute regarding the 6546  
allocation of ~~parental rights and parenting~~ responsibilities 6547  
and, upon resolution of the dispute, issue an order regarding 6548  
the allocation of ~~parental rights and parenting~~ responsibilities 6549  
under a parenting plan, parenting time, or companionship or 6550  
visitation pursuant to section 2151.23, sections 3109.04 to 6551  
3109.0499, or section 3109.12 of the Revised Code. The 6552  
conciliation procedures may include without limitation the use 6553  
of family counselors and service agencies, community health 6554  
services, physicians, licensed psychologists, or clergy. If the 6555  
magistrate orders the parties to undergo family counseling, the 6556  
magistrate shall name the counselor and set forth the required 6557  
type of counseling, the length of time for the counseling, and 6558  
any other specific conditions. No order regarding the allocation 6559

of parental rights and responsibilities, parenting time, or 6560  
companionship or visitation shall be issued until the 6561  
conciliation has concluded and been reported to the magistrate. 6562

**Sec. 3109.06.** Except as provided in division (K) of 6563  
section 2301.03 of the Revised Code, any court, other than a 6564  
juvenile court, that has jurisdiction in any case respecting the 6565  
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 6566  
~~the care of a child under eighteen years of age~~ and the 6567  
designation of the child's place of residence and legal 6568  
custodian or in any case respecting the support of a child under 6569  
eighteen years of age, may, on its own motion or on motion of 6570  
any interested party, certify the record in the case or so much 6571  
of the record and such further information, in narrative form or 6572  
otherwise, as the court deems necessary or the juvenile court 6573  
requests, to the juvenile court for further proceedings; upon 6574  
the certification, the juvenile court shall have exclusive 6575  
jurisdiction. 6576

In cases in which the court of common pleas finds the 6577  
parents or legal custodian unsuitable to have ~~the parental~~ 6578  
~~rights and parenting~~ responsibilities ~~for the care of the child~~ 6579  
~~or children~~ and unsuitable to provide the place of residence and 6580  
to be the legal custodian of the child or children, consent of 6581  
the juvenile court shall not be required to such certification. 6582  
This section applies to actions pending on August 28, 1951. 6583

In any case in which a court of common pleas, or other 6584  
court having jurisdiction, has issued an order that allocates 6585  
~~parental rights and parenting~~ responsibilities ~~for the care of~~ 6586  
~~minor children~~ and designates their place of residence and legal 6587  
custodian of minor children, has made an order for support of 6588  
minor children, or has done both, the jurisdiction of the court 6589

shall not abate upon the death of the person awarded custody but 6590  
shall continue for all purposes during the minority of the 6591  
children. The court, upon its own motion or the motion of either 6592  
parent or of any interested person acting on behalf of the 6593  
children, may proceed to make further disposition of the case in 6594  
the best interests of the children and subject to sections 6595  
3109.42 to 3109.48 of the Revised Code. If the children are 6596  
under eighteen years of age, it may certify them, pursuant to 6597  
this section, to the juvenile court of any county for further 6598  
proceedings. After certification to a juvenile court, the 6599  
jurisdiction of the court of common pleas, or other court, shall 6600  
cease, except as to any payments of spousal support due for the 6601  
spouse and support payments due and unpaid for the children at 6602  
the time of the certification. 6603

Any disposition made pursuant to this section, whether by 6604  
a juvenile court after a case is certified to it, or by any 6605  
court upon the death of a person awarded custody of a child, 6606  
shall be made in accordance with sections 3109.04 to 3109.0499 6607  
and 3109.42 to 3109.48 of the Revised Code. If an appeal is 6608  
taken from a decision made pursuant to this section that 6609  
allocates ~~parental rights and parenting responsibilities for the~~ 6610  
~~care of a minor child~~ and designates the child's place of 6611  
residence and legal custodian, the court of appeals shall give 6612  
the case calendar priority and handle it expeditiously. 6613

**Sec. 3109.061.** Nothing in sections 2151.233 to 2151.236 6614  
and 2301.03 of the Revised Code shall be construed to prevent a 6615  
domestic relations court from certifying a case to a juvenile 6616  
court under ~~division (D) (2) of section 3109.04~~ 3109.0414 of the 6617  
Revised Code or section 3109.06 of the Revised Code. Consent of 6618  
the juvenile court shall not be required for the certification. 6619



As used in this section, "domestic relations court" has 6620  
the same meaning as in section 2151.233 of the Revised Code. 6621

**Sec. 3109.09.** (A) As used in this section, "parent" means 6622  
one of the following: 6623

(1) Both parents unless division (A) (2) or (3) of this 6624  
section applies; 6625

(2) The ~~designated parent~~ ~~designated the residential~~ 6626  
~~parent~~ and legal custodian pursuant to an order issued under 6627  
section ~~3109.04~~ 3109.041 of the Revised Code ~~that is not a~~ 6628  
~~shared parenting order~~; 6629

(3) The ~~custodial~~ parent of a child born out of wedlock 6630  
who is the child's sole designated parent and legal custodian 6631  
with respect to whom no custody order has been issued. 6632

(B) Any owner of property, including any board of 6633  
education of a city, local, exempted village, or joint 6634  
vocational school district, may maintain a civil action to 6635  
recover compensatory damages not exceeding ten thousand dollars 6636  
and court costs from the parent of a minor if the minor 6637  
willfully damages property belonging to the owner or commits 6638  
acts cognizable as a "theft offense," as defined in section 6639  
2913.01 of the Revised Code, involving the property of the 6640  
owner. The action may be joined with an action under Chapter 6641  
2737. of the Revised Code against the minor, or the minor and 6642  
the minor's parent, to recover the property regardless of value, 6643  
but any additional damages recovered from the parent pursuant to 6644  
this section shall be limited to compensatory damages not 6645  
exceeding ten thousand dollars, as authorized by this section. A 6646  
finding of willful destruction of property or of committing acts 6647  
cognizable as a theft offense is not dependent upon a prior 6648

finding that the child is a delinquent child or upon the child's conviction of any criminal offense. 6649  
6650

(C) (1) If a court renders a judgment in favor of a board of education of a city, local, exempted village, or joint vocational school district in an action brought pursuant to division (B) of this section, if the board of education agrees to the parent's performance of community service in lieu of full payment of the judgment, and if the parent who is responsible for the payment of the judgment agrees to voluntarily participate in the performance of community service in lieu of full payment of the judgment, the court may order the parent to perform community service in lieu of providing full payment of the judgment. 6651  
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(2) If a court, pursuant to division (C) (1) of this section, orders a parent to perform community service in lieu of providing full payment of a judgment, the court shall specify in its order the amount of the judgment, if any, to be paid by the parent, the type and number of hours of community service to be performed by the parent, and any other conditions necessary to carry out the order. 6662  
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(D) This section shall not apply to a parent of a minor if the minor was married at the time of the commission of the acts or violations that would otherwise give rise to a civil action commenced under this section. 6669  
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6672

(E) Any action brought pursuant to this section shall be commenced and heard as in other civil actions. 6673  
6674

(F) The monetary limitation upon compensatory damages set forth in this section does not apply to a civil action brought pursuant to section 2307.70 of the Revised Code. 6675  
6676  
6677

**Sec. 3109.11.** If either the father or mother of an 6678  
unmarried minor child is deceased, the court of common pleas of 6679  
the county in which the minor child resides may grant the 6680  
parents and other relatives of the deceased father or mother 6681  
reasonable companionship or visitation rights with respect to 6682  
the minor child during the child's minority if the parent or 6683  
other relative files a complaint requesting reasonable 6684  
companionship or visitation rights and if the court determines 6685  
that the granting of the companionship or visitation rights is 6686  
in the best interest of the minor child. In determining whether 6687  
to grant any person reasonable companionship or visitation 6688  
rights with respect to any child, the court shall consider all 6689  
relevant factors, including, but not limited to, the factors set 6690  
forth in ~~division (D) of section 3109.051-3109.057~~ of the 6691  
Revised Code. ~~Divisions (C), (K), and (L) of section 3109.051-~~ 6692  
Sections 3109.056, 3109.058 to 3109.0510, and 3109.0513 of the 6693  
Revised Code apply to the determination of reasonable 6694  
companionship or visitation rights under this section and to any 6695  
order granting any such rights that is issued under this 6696  
section. 6697

The remarriage of the surviving parent of the child or the 6698  
adoption of the child by the spouse of the surviving parent of 6699  
the child does not affect the authority of the court under this 6700  
section to grant reasonable companionship or visitation rights 6701  
with respect to the child to a parent or other relative of the 6702  
child's deceased father or mother. 6703

If the court denies a request for reasonable companionship 6704  
or visitation rights made pursuant to this section and the 6705  
complainant files a written request for findings of fact and 6706  
conclusions of law, the court shall state in writing its 6707  
findings of fact and conclusions of law in accordance with Civil 6708

Rule 52. 6709

Except as provided in division (E) (6) of section 3113.31 6710  
of the Revised Code, if the court, pursuant to this section, 6711  
grants any person companionship or visitation rights with 6712  
respect to any child, it shall not require the public children 6713  
services agency to provide supervision of or other services 6714  
related to that person's exercise of companionship or visitation 6715  
rights with respect to the child. This section does not limit 6716  
the power of a juvenile court pursuant to Chapter 2151. of the 6717  
Revised Code to issue orders with respect to children who are 6718  
alleged to be abused, neglected, or dependent children or to 6719  
make dispositions of children who are adjudicated abused, 6720  
neglected, or dependent children or of a common pleas court to 6721  
issue orders pursuant to section 3113.31 of the Revised Code. 6722

**Sec. 3109.12.** (A) If a child is born to an unmarried 6723  
woman, the parents of the woman and any relative of the woman 6724  
may file a complaint requesting the court of common pleas of the 6725  
county in which the child resides to grant them reasonable 6726  
companionship or visitation rights with the child. If a child is 6727  
born to an unmarried woman and if the father of the child has 6728  
acknowledged the child and that acknowledgment has become final 6729  
pursuant to section 2151.232, 3111.25, or 3111.821 of the 6730  
Revised Code or has been determined in an action under Chapter 6731  
3111. of the Revised Code to be the father of the child, the 6732  
father may file a complaint requesting that the court of 6733  
appropriate jurisdiction of the county in which the child 6734  
resides grant him ~~reasonable parenting time rights with the~~ 6735  
~~child parenting responsibilities pursuant to sections 3109.041~~ 6736  
to 3109.0499 of the Revised Code and the parents of the father 6737  
and any relative of the father may file a complaint requesting 6738  
that the court grant them reasonable companionship or visitation 6739

rights with the child. 6740

(B) The court may grant ~~the parenting time rights~~ 6741  
responsibilities or companionship or visitation rights requested 6742  
under division (A) of this section, if it determines that the 6743  
granting of ~~the parenting time rights~~ responsibilities or 6744  
companionship or visitation rights is in the best interest of 6745  
the child. In determining whether to grant parenting 6746  
responsibilities or grant reasonable parenting time rights or 6747  
~~reasonable~~ companionship or visitation rights with respect to 6748  
any child, the court shall consider all relevant factors, 6749  
including, but not limited to, the factors set forth in ~~division~~ 6750  
~~(D) of section 3109.051~~ sections 3109.0430 and 3109.057 of the 6751  
Revised Code. ~~Divisions (C), (K), and (L) of section 3109.051~~ 6752  
Sections 3109.056, 3109.058 to 3109.0510, and 3109.0513 of the 6753  
Revised Code apply to the determination of reasonable ~~parenting~~ 6754  
~~time rights~~ or ~~reasonable~~ companionship or visitation rights 6755  
under this section and to any order granting any such rights 6756  
that is issued under this section. 6757

The marriage or remarriage of the mother or father of a 6758  
child does not affect the authority of the court under this 6759  
section to grant the natural father ~~reasonable parenting time~~ 6760  
~~rights~~ responsibilities or the parents or relatives of the 6761  
natural father or the parents or relatives of the mother of the 6762  
child reasonable companionship or visitation rights with respect 6763  
to the child. 6764

If the court denies a request for ~~reasonable parenting~~ 6765  
~~time rights~~ responsibilities or ~~reasonable~~ companionship or 6766  
visitation rights made pursuant to division (A) of this section 6767  
and the complainant files a written request for findings of fact 6768  
and conclusions of law, the court shall state in writing its 6769

findings of fact and conclusions of law in accordance with Civil 6770  
Rule 52. 6771

Except as provided in division (E) (6) of section 3113.31 6772  
of the Revised Code, if the court, pursuant to this section, 6773  
grants parenting ~~time rights~~responsibilities or companionship or 6774  
visitation rights with respect to any child, it shall not 6775  
require the public children services agency to provide 6776  
supervision of or other services related to that parent's 6777  
exercise of parenting ~~time rights~~responsibilities with the 6778  
child or that person's exercise of companionship or visitation 6779  
rights with the child. This section does not limit the power of 6780  
a juvenile court pursuant to Chapter 2151. of the Revised Code 6781  
to issue orders with respect to children who are alleged to be 6782  
abused, neglected, or dependent children or to make dispositions 6783  
of children who are adjudicated abused, neglected, or dependent 6784  
children or of a common pleas court to issue orders pursuant to 6785  
section 3113.31 of the Revised Code. 6786

**Sec. 3109.401.** (A) The general assembly finds the 6787  
following: 6788

(1) That the parent and child relationship is of 6789  
fundamental importance to the welfare of a child, and that the 6790  
relationship between a child and each parent should be fostered 6791  
unless inconsistent with the child's best interests; 6792

(2) That parents have the responsibility to make decisions 6793  
and perform other parenting functions necessary for the care and 6794  
growth of their children; 6795

(3) That the courts, when allocating parenting ~~functions~~ 6796  
~~and responsibilities~~ with respect to the child in a ~~divorce,~~ 6797  
~~dissolution of marriage, legal separation, annulment, or any~~ 6798

~~other proceeding addressing pertaining to~~ the allocation of 6799  
~~parental rights and parenting~~ responsibilities, must determine 6800  
the child's best interests; 6801

(4) That the courts and parents must take into 6802  
consideration the following general principles when allocating 6803  
~~parental rights and parenting~~ responsibilities and developing 6804  
appropriate terms for parenting plans: 6805

(a) Children are served by a parenting arrangement that 6806  
best provides for a child's safety, emotional growth, health, 6807  
stability, and physical care. 6808

(b) Exposure of the child to harmful parental conflict 6809  
should be minimized as much as possible. 6810

(c) Whenever appropriate, parents should be encouraged to 6811  
meet their responsibilities to their children through agreements 6812  
rather than by relying on judicial intervention. 6813

(d) When a parenting plan provides for mutual decision- 6814  
making responsibility by the parents but they are unable to make 6815  
decisions mutually, they should make a good faith effort to 6816  
utilize the mediation process as required by the parenting plan. 6817

(e) In apportioning between the parents the daily physical 6818  
living arrangements of the child and the child's location during 6819  
legal and school holidays, vacations, and days of special 6820  
importance, a court should not impose any type of standard 6821  
schedule unless a standard schedule meets the needs of the child 6822  
better than any proposed alternative parenting plan. 6823

(B) It is, therefore, the ~~purpose~~ public policy of this 6824  
chapter, when it is in the child's best interest, ~~to~~ : 6825

(1) To foster and continue the relationship between the 6826

child and each parent when a court allocates ~~parental rights and~~ 6827  
~~parenting responsibilities with respect to the child in a~~ 6828  
~~divorce, dissolution, legal separation, annulment, or any other~~ 6829  
~~proceeding addressing the allocation of parental rights and~~ 6830  
~~responsibilities;~~ 6831

(2) For the child's parents to have substantial, 6832  
meaningful, and developmentally appropriate parenting time with 6833  
the child; 6834

(3) To have both parents participate in decision-making 6835  
regarding the child. 6836

**Sec. 3109.41.** As used in sections 3109.41 to 3109.48 of 6837  
the Revised Code: 6838

(A) A person is "convicted of killing" if the person has 6839  
been convicted of or pleaded guilty to a violation of section 6840  
2903.01, 2903.02, or 2903.03 of the Revised Code. 6841

(B) "Custody order" means an order designating a person as 6842  
the residential parent and legal custodian of a child under 6843  
section 3109.04 of the Revised Code, as that section existed 6844  
prior to the effective date of this amendment, or an order 6845  
designating a person the designated parent and legal custodian 6846  
in the allocation of parenting responsibilities under sections 6847  
3109.04 to 3109.0499 of the Revised Code, or any order 6848  
determining custody of a child under section 2151.23, 2151.33, 6849  
2151.353, 2151.354, 2151.415, 2151.417, 2152.16, 2152.17, 6850  
2152.19, 2152.21, or 3113.31 of the Revised Code. 6851

(C) "Visitation order" means an order issued under 6852  
division (B) (1) (c) of section 2151.33 ~~or,~~ under section 2151.412 6853  
of the Revised Code, or under section 3109.051, 3109.12, or 6854  
3113.31 of the Revised Code, as those sections existed prior to 6855



the effective date of this amendment. 6856

**Sec. 3109.42.** Except as provided in section 3109.47 of the 6857  
Revised Code, if a parent is convicted of killing the other 6858  
parent of a child, no court shall issue a custody order 6859  
~~designating the parent as the residential parent and legal-~~ 6860  
~~eustodian of the child or granting custody of regarding the~~ 6861  
child to the parent. 6862

**Sec. 3109.43.** Except as provided in section 3109.47 of the 6863  
Revised Code, if a parent is convicted of killing the other 6864  
parent of a child, no court shall issue ~~a visitation an order~~ 6865  
granting the parent ~~visitation rights with any access to the~~ 6866  
child, including allocating parenting responsibilities. 6867

**Sec. 3109.44.** Upon receipt of notice that a visitation 6868  
order ~~is pending or~~ has been issued granting a parent visitation 6869  
rights with a child or a custody order is pending or has been 6870  
issued ~~designating a parent as the residential parent and legal-~~ 6871  
~~eustodian of a child or granting custody of allocating parenting~~ 6872  
responsibilities for a child to a parent prior to that parent 6873  
being convicted of killing the other parent of the child, the 6874  
court in which the parent is convicted of killing the other 6875  
parent shall immediately notify the court that issued the 6876  
visitation or custody order of the conviction. 6877

**Sec. 3109.47.** (A) ~~A court may do one of the following with-~~ 6878  
With respect to a parent convicted of killing the other parent 6879  
of a child, a court may, if the court determines, by clear and 6880  
convincing evidence, that it is in the best interest of the 6881  
child and the child consents+ 6882

~~(1) Issue, issue a custody order designating the parent as-~~ 6883  
~~the residential parent and legal eustodian of the child or-~~ 6884

~~granting custody of the child allocating parenting~~ 6885  
~~responsibilities to that parent.~~ 6886

~~(2) Issue a visitation order granting that parent~~ 6887  
~~visitation rights with the child.~~ 6888

(B) When considering the ability of a child to consent and 6889  
the validity of a child's consent under this section, the court 6890  
shall consider the wishes of the child, as expressed directly by 6891  
the child or through the child's guardian ad litem, with due 6892  
regard for the maturity of the child. 6893

**Sec. 3109.48.** No person, with the child of the parent 6894  
present, shall visit the parent who has been convicted of 6895  
killing the child's other parent unless a court has issued ~~an~~ 6896  
~~order granting a custody order that allocates parenting~~ 6897  
~~responsibilities to the parent visitation rights~~ with the child 6898  
and the child's legal ~~custodian or legal guardian~~ consents to 6899  
the visit. 6900

**Sec. 3109.50.** As used in sections 3109.501 to 3109.507 of 6901  
the Revised Code: 6902

(A) "Parental rights" means ~~parental rights and parenting~~ 6903  
responsibilities, parenting time, or any other similar right 6904  
established by the laws of this state with respect to a child. 6905  
"Parental rights" does not include the parental duty of support 6906  
for a child. 6907

(B) "Rape" means a violation of section 2907.02 of the 6908  
Revised Code or similar law of another state. 6909

(C) "Sexual battery" means a violation of section 2907.03 6910  
of the Revised Code or similar law of another state. 6911

**Sec. 3109.51.** As used in sections 3109.52 to 3109.80 of 6912

the Revised Code: 6913

(A) "Child" means a person under eighteen years of age. 6914

(B) ~~"Custodian" means an individual with legal custody of~~ 6915  
~~a child.~~ 6916

~~(C)~~ "Guardian" means an individual granted authority by a 6917  
probate court pursuant to Chapter 2111. of the Revised Code to 6918  
exercise parental rights over a child parenting responsibilities 6919  
to the extent provided in the court's order and subject to the 6920  
residual parental rights, privileges, and responsibilities of 6921  
the child's parents. 6922

~~(D)~~ (C) "Legal custody" and "residual parental rights, 6923  
privileges, and responsibilities" have the same meanings as in 6924  
section 2151.011 of the Revised Code. 6925

**Sec. 3109.52.** The parent, guardian, or legal custodian of 6926  
a child may create a power of attorney that grants to a 6927  
grandparent of the child with whom the child is residing any of 6928  
the parent's, guardian's, or legal custodian's rights and 6929  
responsibilities regarding the care, physical custody, and 6930  
control of the child, including the ability to enroll the child 6931  
in school, to obtain from the school district educational and 6932  
behavioral information about the child, to consent to all 6933  
school-related matters regarding the child, and to consent to 6934  
medical, psychological, or dental treatment for the child. The 6935  
power of attorney may not grant authority to consent to the 6936  
marriage or adoption of the child. The power of attorney does 6937  
not affect the rights of the parent, guardian, or legal 6938  
custodian of the child in any future proceeding concerning 6939  
custody of the child or the allocation of ~~parental rights and~~ 6940  
parenting responsibilities for the care of the child and does 6941

not grant legal custody to the attorney in fact. 6942

**Sec. 3109.53.** To create a power of attorney under section 6943  
3109.52 of the Revised Code, a parent, guardian, or legal 6944  
custodian shall use a form that is identical in form and content 6945  
to the following: 6946

POWER OF ATTORNEY 6947

I, the undersigned, residing at \_\_\_\_\_, in the county 6948  
of \_\_\_\_\_, state of \_\_\_\_\_, hereby appoint the child's 6949  
grandparent, \_\_\_\_\_, residing at \_\_\_\_\_, in the county 6950  
of \_\_\_\_\_, in the state of Ohio, with whom the child of 6951  
whom I am the parent, guardian, or legal custodian is residing, 6952  
my attorney in fact to exercise any and all of my rights and 6953  
responsibilities regarding the care, physical custody, and 6954  
control of the child, \_\_\_\_\_, born \_\_\_\_\_, having social 6955  
security number (optional) \_\_\_\_\_, except my authority to 6956  
consent to marriage or adoption of the child \_\_\_\_\_, and to 6957  
perform all acts necessary in the execution of the rights and 6958  
responsibilities hereby granted, as fully as I might do if 6959  
personally present. The rights I am transferring under this 6960  
power of attorney include the ability to enroll the child in 6961  
school, to obtain from the school district educational and 6962  
behavioral information about the child, to consent to all 6963  
school-related matters regarding the child, and to consent to 6964  
medical, psychological, or dental treatment for the child. This 6965  
transfer does not affect my rights in any future proceedings 6966  
concerning the custody of the child or the allocation of ~~the~~ 6967  
~~parental rights and parenting responsibilities for the care of~~ 6968  
~~the child~~ and does not give the attorney in fact legal custody 6969  
of the child. This transfer does not terminate my right to have 6970  
regular contact with the child. 6971

I hereby certify that I am transferring the rights and 6972  
responsibilities designated in this power of attorney because 6973  
one of the following circumstances exists: 6974

(1) I am: (a) Seriously ill, incarcerated, or about to be 6975  
incarcerated, (b) Temporarily unable to provide financial 6976  
support or parental guidance to the child, (c) Temporarily 6977  
unable to provide adequate care and supervision of the child 6978  
because of my physical or mental condition, (d) Homeless or 6979  
without a residence because the current residence is destroyed 6980  
or otherwise uninhabitable, or (e) In or about to enter a 6981  
residential treatment program for substance abuse; 6982

(2) I am a parent or legal custodian of the child, the 6983  
child's other parent is deceased, and I have authority to 6984  
execute the power of attorney; or 6985

(3) I have a well-founded belief that the power of 6986  
attorney is in the child's best interest. 6987

I hereby certify that I am not transferring my rights and 6988  
responsibilities regarding the child for the purpose of 6989  
enrolling the child in a school or school district so that the 6990  
child may participate in the academic or interscholastic 6991  
athletic programs provided by that school or district. 6992

If there is a court order naming me the ~~residential~~ 6993  
designated parent and legal custodian of the child who is the 6994  
subject of this power of attorney and I am the sole parent or 6995  
legal custodian signing this document, I hereby certify that one 6996  
of the following is the case: 6997

(1) I have made reasonable efforts to locate and provide 6998  
notice of the creation of this power of attorney to the other 6999  
parent and have been unable to locate that parent; 7000

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

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

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

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

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

~~Parent/Custodian/Guardian's~~ Parent/Legal  
Custodian/Guardian's signature

\_\_\_\_\_

Parent's signature

\_\_\_\_\_

Grandparent designated as attorney in fact 7028

State of Ohio ) 7029

) ss: 7030

County of \_\_\_\_\_) 7031

Subscribed, sworn to, and acknowledged before me this \_\_\_\_\_ day 7032

of \_\_\_\_\_, \_\_\_\_\_ 7033

\_\_\_\_\_ 7034

Notary Public 7035

Notices: 7036

1. A power of attorney may be executed only if one of the 7037

following circumstances exists: (1) The parent, guardian, or 7038

legal custodian of the child is: (a) Seriously ill, 7039

incarcerated, or about to be incarcerated; (b) Temporarily 7040

unable to provide financial support or parental guidance to the 7041

child; (c) Temporarily unable to provide adequate care and 7042

supervision of the child because of the parent's, guardian's, or 7043

legal custodian's physical or mental condition; (d) Homeless or 7044

without a residence because the current residence is destroyed 7045

or otherwise uninhabitable; or (e) In or about to enter a 7046

residential treatment program for substance abuse; (2) One of 7047

the child's parents is deceased and the other parent, with 7048

authority to do so, seeks to execute a power of attorney; or (3) 7049

The parent, guardian, or legal custodian has a well-founded 7050

belief that the power of attorney is in the child's best 7051

interest. 7052

2. The signatures of the parent, guardian, or legal custodian of 7053

the child and the grandparent designated as the attorney in fact 7054

must be notarized by an Ohio notary public. 7055

3. A parent, guardian, or legal custodian who creates a power of attorney must notify the parent of the child who is not the ~~residential-designated~~ parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with ~~section 3109.051~~ sections 3109.0470 to 3109.0479 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact. 7056  
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4. A parent, guardian, or legal custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be 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-designated~~ parent and legal custodian by certified mail. 7070  
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5. This power of attorney does not affect the rights of the child's parents, guardian, or legal custodian regarding any future proceedings concerning the custody of the child or the allocation of ~~the parental rights and parenting~~ responsibilities ~~for the care of the child~~ and does not give the attorney in fact legal custody of the child. 7079  
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6. A person or entity that relies on this power of attorney, in 7085



good faith, has no obligation to make any further inquiry or investigation. 7086  
7087

7. This power of attorney terminates on the occurrence of 7088  
whichever of the following occurs first: (1) the power of 7089  
attorney is revoked in writing by the person who created it and 7090  
that person gives written notice of the revocation to the 7091  
grandparent who is the attorney in fact and the juvenile court 7092  
with which the power of attorney was filed; (2) the child ceases 7093  
to live with the grandparent who is the attorney in fact; (3) 7094  
the power of attorney is terminated by court order; (4) the 7095  
death of the child who is the subject of the power of attorney; 7096  
or (5) the death of the grandparent designated as the attorney 7097  
in fact. 7098

If this power of attorney terminates other than by the 7099  
death of the attorney in fact, the grandparent who served as the 7100  
attorney in fact shall notify, in writing, all of the following: 7101

(a) Any schools, health care providers, or health 7102  
insurance coverage provider with which the child has been 7103  
involved through the grandparent; 7104

(b) Any other person or entity that has an ongoing 7105  
relationship with the child or grandparent such that the other 7106  
person or entity would reasonably rely on the power of attorney 7107  
unless notified of the termination; 7108

(c) The court in which the power of attorney was filed 7109  
after its creation; 7110

(d) The parent who is not the ~~residential-designated~~ 7111  
parent and legal custodian of the child who is required to be 7112  
given notice of its creation. The grandparent shall make the 7113  
notifications not later than one week after the date the power 7114

of attorney terminates. 7115

8. If this power of attorney is terminated by written 7116  
revocation of the person who created it, or the revocation is 7117  
regarding a second or subsequent power of attorney, a copy of 7118  
the revocation must be filed with the court with which that 7119  
power of attorney was filed. 7120

Additional information: 7121

To the grandparent designated as attorney in fact: 7122

1. If the child stops living with you, you are required to 7123  
notify, in writing, any school, health care provider, or health 7124  
care insurance provider to which you have given this power of 7125  
attorney. You are also required to notify, in writing, any other 7126  
person or entity that has an ongoing relationship with you or 7127  
the child such that the person or entity would reasonably rely 7128  
on the power of attorney unless notified. The notification must 7129  
be made not later than one week after the child stops living 7130  
with you. 7131

2. You must include with the power of attorney the following 7132  
information: 7133

(a) The child's present address, the addresses of the 7134  
places where the child has lived within the last five years, and 7135  
the name and present address of each person with whom the child 7136  
has lived during that period; 7137

(b) Whether you have participated as a party, a witness, 7138  
or in any other capacity in any other litigation, in this state 7139  
or any other state, that concerned the allocation, between the 7140  
parents of the same child, of parental rights and parenting 7141  
responsibilities ~~for the care of the child~~ and the designation 7142  
of the residential-designated parent and legal custodian of the 7143

child or that otherwise concerned the custody of the same child; 7144

(c) Whether you have information of any parenting 7145  
proceeding concerning the child pending in a court of this or 7146  
any other state; 7147

(d) Whether you know of any person who has physical 7148  
custody of the child or claims to be a parent of the child who 7149  
is designated the ~~residential~~ designated parent and legal 7150  
custodian of the child or to have parenting time rights with 7151  
respect to the child or to be a person other than a parent or 7152  
legal custodian of the child who has custody or visitation 7153  
rights with respect to the child; 7154

(e) Whether you previously have been convicted of or 7155  
pleaded guilty to any criminal offense involving any act that 7156  
resulted in a child's being an abused child or a neglected child 7157  
or previously have been determined, in a case in which a child 7158  
has been adjudicated an abused child or a neglected child, to be 7159  
the perpetrator of the abusive or neglectful act that was the 7160  
basis of the adjudication. 7161

3. If you receive written notice of revocation of the power of 7162  
attorney or the parent, legal custodian, or guardian removes the 7163  
child from your home and if you believe that the revocation or 7164  
removal is not in the best interest of the child, you may, 7165  
within fourteen days, file a complaint in the juvenile court to 7166  
seek custody. You may retain physical custody of the child until 7167  
the fourteen-day period elapses or, if you file a complaint, 7168  
until the court orders otherwise. 7169

To school officials: 7170

1. Except as provided in section 3313.649 of the Revised Code, 7171  
this power of attorney, properly completed and notarized, 7172

authorizes the child in question to attend school in the 7173  
district in which the grandparent designated as attorney in fact 7174  
resides and that grandparent is authorized to provide consent in 7175  
all school-related matters and to obtain from the school 7176  
district educational and behavioral information about the child. 7177  
This power of attorney does not preclude the parent, guardian, 7178  
or legal custodian of the child from having access to all school 7179  
records pertinent to the child. 7180

2. The school district may require additional reasonable 7181  
evidence that the grandparent lives in the school district. 7182

3. A school district or school official that reasonably and in 7183  
good faith relies on this power of attorney has no obligation to 7184  
make any further inquiry or investigation. 7185

To health care providers: 7186

1. A person or entity that acts in good faith reliance on a 7187  
power of attorney to provide medical, psychological, or dental 7188  
treatment, without actual knowledge of facts contrary to those 7189  
stated in the power of attorney, is not subject to criminal 7190  
liability or to civil liability to any person or entity, and is 7191  
not subject to professional disciplinary action, solely for such 7192  
reliance if the power of attorney is completed and the 7193  
signatures of the parent, guardian, or legal custodian of the 7194  
child and the grandparent designated as attorney in fact are 7195  
notarized. 7196

2. The decision of a grandparent designated as attorney in fact, 7197  
based on a power of attorney, shall be honored by a health care 7198  
facility or practitioner, school district, or school official. 7199

**Sec. 3109.55.** (A) A person who creates a power of attorney 7200  
under section 3109.52 of the Revised Code shall send notice of 7201

the creation to the parent or legal custodian of the child who 7202  
is not the ~~residential-designated~~ parent and legal custodian of 7203  
the child unless one of the following is the case: 7204

(1) The parent or legal custodian is prohibited from 7205  
receiving a notice of relocation in accordance with section 7206  
~~3109.051-3109.0474~~ of the Revised Code. 7207

(2) The parent's parental rights have been terminated by 7208  
order of a juvenile court pursuant to Chapter 2151. of the 7209  
Revised Code. 7210

(3) The parent cannot be located with reasonable efforts. 7211

(4) The power of attorney is being created by both 7212  
parents. 7213

(B) The notice shall be sent by certified mail not later 7214  
than five days after the power of attorney is created. The 7215  
notice shall state the name and address of the person designated 7216  
as the attorney in fact. 7217

**Sec. 3109.56.** When a parent or legal custodian seeks to 7218  
create a power of attorney pursuant to section 3109.52 of the 7219  
Revised Code, all of the following apply: 7220

(A) The power of attorney shall be executed by both 7221  
parents or legal custodians if any of the following apply: 7222

(1) The parents are married to each other and are living 7223  
as husband and wife. 7224

(2) The child is the subject of a shared parenting order 7225  
issued pursuant to section 3109.04 of the Revised Code, as it 7226  
existed prior to the amendment of this section ~~of the Revised~~ 7227  
Code. 7228

(3) The child is the subject of a custody order issued 7229  
pursuant to section 3109.04 of the Revised Code, as it existed 7230  
prior to the amendment of this section, or a decree allocating 7231  
parenting responsibilities under a parenting plan issued 7232  
pursuant to sections 3109.04 to 3109.0499 of the Revised Code 7233  
unless one of the following is the case: 7234

(a) The parent or legal custodian who is not the 7235  
~~residential-designated~~ parent and legal custodian is prohibited 7236  
from receiving a notice of relocation in accordance with section 7237  
~~3109.051-3109.0474~~ of the Revised Code. 7238

(b) The parental rights of the parent or legal custodian 7239  
who is not the ~~residential-designated~~ parent and legal custodian 7240  
have been terminated by order of a juvenile court pursuant to 7241  
Chapter 2151. of the Revised Code. 7242

(c) The parent or legal custodian who is not the 7243  
~~residential-designated~~ parent and legal custodian cannot be 7244  
located with reasonable efforts. 7245

(B) In all other cases, the power of attorney may be 7246  
executed only by one of the following persons: 7247

(1) The parent or legal custodian who is the ~~residential-~~ 7248  
~~designated~~ parent and legal custodian of the child, as 7249  
determined by court order or as ~~provided in section 3109.042 of~~ 7250  
~~the Revised Code~~ designated under a parenting plan; 7251

(2) The parent or legal custodian with whom the child is 7252  
residing the majority of the school year in cases in which no 7253  
court has issued an order designating a parent or legal 7254  
custodian as the ~~residential-designated~~ parent and legal 7255  
custodian of the child or section ~~3109.042-3109.0425~~ of the 7256  
Revised Code is not applicable. 7257

**Sec. 3109.58.** (A) As used in this section, "temporary custody," "permanent custody," and "planned permanent living arrangement" have the same meanings as in section 2151.011 of the Revised Code. 7258  
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7260  
7261

(B) A power of attorney created pursuant to section 3109.52 of the Revised Code may not be executed with respect to a child while any of the following proceedings are pending regarding the child: 7262  
7263  
7264  
7265

(1) A proceeding for the appointment of a guardian for, or the adoption of, the child; 7266  
7267

(2) A juvenile proceeding in which one of the following applies: 7268  
7269

(a) The temporary, permanent, or legal custody of the child or the placement of the child in a planned permanent living arrangement has been requested. 7270  
7271  
7272

(b) The child is the subject of an ex parte emergency custody order issued under division (D) of section 2151.31 of the Revised Code, and no hearing has yet been held regarding the child under division (A) of section 2151.314 of the Revised Code. 7273  
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(c) The child is the subject of a temporary custody order issued under section 2151.33 of the Revised Code. 7278  
7279

(3) A proceeding ~~for divorce, dissolution, legal separation, annulment, or pertaining to the allocation of parental rights and parenting responsibilities regarding the~~ child. 7280  
7281  
7282  
7283

**Sec. 3109.60.** When a power of attorney created pursuant to section 3109.52 of the Revised Code terminates pursuant to 7284  
7285

division (A) (1), (2), (3), or (4) of section 3109.59 of the Revised Code, the grandparent designated as the attorney in fact shall notify, in writing, all of the following:

(A) The school district in which the child attends school;

(B) The child's health care providers;

(C) The child's health insurance coverage provider;

(D) The court in which the power of attorney was filed under section 3109.74 of the Revised Code;

(E) The parent or legal custodian who is not the ~~residential-designated~~ parent and legal custodian and who is required to be given notice under section 3109.55 of the Revised Code;

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

The grandparent shall make the notifications not later than one week after the date the power of attorney terminates.

**Sec. 3109.65.** (A) Except as provided in division (B) of this section, if a child is living with a grandparent who has made reasonable attempts to locate and contact both of the child's parents, or the child's guardian or legal custodian, but has been unable to do so, the grandparent may obtain authority to exercise care, physical custody, and control of the child including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for



the child by executing a caretaker authorization affidavit in 7314  
accordance with section 3109.67 of the Revised Code. 7315

(B) The grandparent may execute a caretaker authorization 7316  
affidavit without attempting to locate the following parent: 7317

(1) If paternity has not been established with regard to 7318  
the child, the child's father. 7319

(2) If the child is the subject of a custody order, the 7320  
following parent: 7321

(a) A parent who is prohibited from receiving a notice of 7322  
relocation in accordance with section ~~3109.051~~3109.0474 of the 7323  
Revised Code; 7324

(b) A parent whose parental rights have been terminated by 7325  
order of a juvenile court pursuant to Chapter 2151. of the 7326  
Revised Code. 7327

**Sec. 3109.66.** The caretaker authorization affidavit that a 7328  
grandparent described in section 3109.65 of the Revised Code may 7329  
execute shall be identical in form and content to the following: 7330

CARETAKER AUTHORIZATION AFFIDAVIT 7331

Use of this affidavit is authorized by sections 3109.65 to 7332  
3109.73 of the Ohio Revised Code. 7333

Completion of items 1-7 and the signing and notarization of this 7334  
affidavit is sufficient to authorize the grandparent signing to 7335  
exercise care, physical custody, and control of the child who is 7336  
its subject, including authority to enroll the child in school, 7337  
to discuss with the school district the child's educational 7338  
progress, to consent to all school-related matters regarding the 7339  
child, and to consent to medical, psychological, or dental 7340  
treatment for the child. 7341

The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent.	7342 7343
1. Name of child:	7344
2. Child's date and year of birth:	7345
3. Child's social security number (optional):	7346
4. My name:	7347
5. My home address:	7348
6. My date and year of birth:	7349
7. My Ohio driver's license number or identification card number:	7350 7351
8. Despite having made reasonable attempts, I am either:	7352
(a) Unable to locate or contact the child's parents, or the child's guardian or <u>legal</u> custodian; or	7353 7354
(b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or	7355 7356 7357
(c) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case:	7358 7359 7360 7361
(i) The parent has been prohibited from receiving notice of a relocation; or	7362 7363
(ii) The parental rights of the parent have been terminated.	7364 7365
9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school	7366 7367

district so that the child may participate in the academic or 7368  
interscholastic athletic programs provided by that school or 7369  
district. 7370

WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS 7371  
ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF 7372  
THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 7373  
2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF 7374  
UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH. 7375

I declare that the foregoing is true and correct: 7376

Signed: \_\_\_\_\_ Date: \_\_\_\_\_ 7377

Grandparent 7378

State of Ohio ) 7379

) ss: 7380

County of \_\_\_\_\_) 7381

Subscribed, sworn to, and acknowledged before me this \_\_\_\_\_ day 7382

of \_\_\_\_\_, \_\_\_\_\_ 7383

\_\_\_\_\_ 7384

Notary Public 7385

Notices: 7386

1. The grandparent's signature must be notarized by an Ohio 7387  
notary public. 7388

2. The grandparent who executed this affidavit must file it with 7389  
the juvenile court of the county in which the grandparent 7390  
resides or any other court that has jurisdiction over the child 7391  
under a previously filed motion or proceeding not later than 7392  
five days after the date it is executed. 7393

3. This affidavit does not affect the rights of the child's parents, guardian, or legal custodian regarding the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child.

4. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation.

5. This affidavit terminates on the occurrence of whichever of the following occurs first: (1) the child ceases to live with the grandparent who signs this form; (2) the parent, guardian, or legal custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian, or legal custodian or fails to file a complaint to seek custody within fourteen days; (3) the affidavit is terminated by court order; (4) the death of the child who is the subject of the affidavit; or (5) the death of the grandparent who executed the affidavit.

A parent, guardian, or legal custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

If this affidavit terminates other than by the death of the grandparent, the grandparent who signed this affidavit 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; 7423

(b) Any other person or entity that has an ongoing 7424  
relationship with the child or grandparent such that the person 7425  
or entity would reasonably rely on the affidavit unless notified 7426  
of the termination; 7427

(c) The court in which the affidavit was filed after its 7428  
creation. 7429

The grandparent shall make the notifications not later 7430  
than one week after the date the affidavit terminates. 7431

6. The decision of a grandparent to consent to or to refuse 7432  
medical treatment or school enrollment for a child is superseded 7433  
by a contrary decision of a parent, legal custodian, or guardian 7434  
of the child, unless the decision of the parent, guardian, or 7435  
legal custodian would jeopardize the life, health, or safety of 7436  
the child. 7437

Additional information: 7438

To caretakers: 7439

1. If the child stops living with you, you are required to 7440  
notify, in writing, any school, health care provider, or health 7441  
care insurance provider to which you have given this affidavit. 7442  
You are also required to notify, in writing, any other person or 7443  
entity that has an ongoing relationship with you or the child 7444  
such that the person or entity would reasonably rely on the 7445  
affidavit unless notified. The notifications must be made not 7446  
later than one week after the child stops living with you. 7447

2. If you do not have the information requested in item 7 (Ohio 7448  
driver's license or identification card), provide another form 7449  
of identification such as your social security number or 7450

medicaid number. 7451

3. You must include with the caretaker authorization affidavit 7452  
the following information: 7453

(a) The child's present address, the addresses of the 7454  
places where the child has lived within the last five years, and 7455  
the name and present address of each person with whom the child 7456  
has lived during that period; 7457

(b) Whether you have participated as a party, a witness, 7458  
or in any other capacity in any other litigation, in this state 7459  
or any other state, that concerned the allocation, between the 7460  
parents of the same child, of ~~parental rights and parenting~~ 7461  
responsibilities ~~for the care of the child~~ and the designation 7462  
of the ~~residential-designated~~ parent and legal custodian of the 7463  
child or that otherwise concerned the custody of the same child; 7464

(c) Whether you have information of any parenting 7465  
proceeding concerning the child pending in a court of this or 7466  
any other state; 7467

(d) Whether you know of any person who has physical 7468  
custody of the child or claims to be a parent or legal custodian 7469  
of the child who is designated the ~~residential-designated~~ parent 7470  
and legal custodian of the child or to have parenting time 7471  
rights with respect to the child or to be a person other than a 7472  
parent or legal custodian of the child who has custody or 7473  
visitation rights with respect to the child; 7474

(e) Whether you previously have been convicted of or 7475  
pleaded guilty to any criminal offense involving any act that 7476  
resulted in a child's being an abused child or a neglected child 7477  
or previously have been determined, in a case in which a child 7478  
has been adjudicated an abused child or a neglected child, to be 7479

the perpetrator of the abusive or neglectful act that was the 7480  
basis of the adjudication. 7481

4. If the child's parent, guardian, or legal custodian acts to 7482  
terminate the caretaker authorization affidavit by delivering a 7483  
written notice of negation, reversal, or disapproval of an 7484  
action or decision of yours or removes the child from your home 7485  
and if you believe that the termination or removal is not in the 7486  
best interest of the child, you may, within fourteen days, file 7487  
a complaint in the juvenile court to seek custody. You may 7488  
retain physical custody of the child until the fourteen-day 7489  
period elapses or, if you file a complaint, until the court 7490  
orders otherwise. 7491

To school officials: 7492

1. This affidavit, properly completed and notarized, authorizes 7493  
the child in question to attend school in the district in which 7494  
the grandparent who signed this affidavit resides and the 7495  
grandparent is authorized to provide consent in all school- 7496  
related matters and to discuss with the school district the 7497  
child's educational progress. This affidavit does not preclude 7498  
the parent, guardian, or legal custodian of the child from 7499  
having access to all school records pertinent to the child. 7500

2. The school district may require additional reasonable 7501  
evidence that the grandparent lives at the address provided in 7502  
item 5 of the affidavit. 7503

3. A school district or school official that reasonably and in 7504  
good faith relies on this affidavit has no obligation to make 7505  
any further inquiry or investigation. 7506

4. The act of a parent, guardian, or legal custodian of the 7507  
child to negate, reverse, or otherwise disapprove an action or 7508

decision of the grandparent who signed this affidavit 7509  
constitutes termination of this affidavit. A parent, guardian, 7510  
or legal custodian may negate, reverse, or disapprove a 7511  
grandparent's action or decision only by delivering written 7512  
notice of negation, reversal, or disapproval to the grandparent 7513  
and the person acting on the grandparent's action or decision in 7514  
reliance on this affidavit. 7515

To health care providers: 7516

1. A person or entity that acts in good faith reliance on a 7517  
CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, 7518  
psychological, or dental treatment, without actual knowledge of 7519  
facts contrary to those stated in the affidavit, is not subject 7520  
to criminal liability or to civil liability to any person or 7521  
entity, and is not subject to professional disciplinary action, 7522  
solely for such reliance if the applicable portions of the form 7523  
are completed and the grandparent's signature is notarized. 7524

2. The decision of a grandparent, based on a CARETAKER 7525  
AUTHORIZATION AFFIDAVIT, shall be honored by a health care 7526  
facility or practitioner, school district, or school official 7527  
unless the health care facility or practitioner or educational 7528  
facility or official has actual knowledge that a parent, 7529  
guardian, or legal custodian of a child has made a contravening 7530  
decision to consent to or to refuse medical treatment for the 7531  
child. 7532

3. The act of a parent, guardian, or legal custodian of the 7533  
child to negate, reverse, or otherwise disapprove an action or 7534  
decision of the grandparent who signed this affidavit 7535  
constitutes termination of this affidavit. A parent, guardian, 7536  
or legal custodian may negate, reverse, or disapprove a 7537  
grandparent's action or decision only by delivering written 7538



notice of negation, reversal, or disapproval to the grandparent 7539  
and the person acting on the grandparent's action or decision in 7540  
reliance on this affidavit. 7541

**Sec. 3109.68.** (A) As used in this section, "temporary 7542  
custody," "permanent custody," and "planned permanent living 7543  
arrangement" have the same meanings as in section 2151.011 of 7544  
the Revised Code. 7545

(B) A caretaker authorization affidavit may not be 7546  
executed with respect to a child while any of the following 7547  
proceedings are pending regarding the child: 7548

(1) A proceeding for the appointment of a guardian for, or 7549  
the adoption of, the child; 7550

(2) A juvenile proceeding in which one of the following 7551  
applies: 7552

(a) The temporary, permanent, or legal custody of the 7553  
child or the placement of the child in a planned permanent 7554  
living arrangement has been requested. 7555

(b) The child is the subject of an ex parte emergency 7556  
custody order issued under division (D) of section 2151.31 of 7557  
the Revised Code, and no hearing has yet been held regarding the 7558  
child under division (A) of section 2151.314 of the Revised 7559  
Code. 7560

(c) The child is the subject of a temporary custody order 7561  
issued under section 2151.33 of the Revised Code. 7562

(3) A proceeding ~~for divorce, dissolution, legal~~ 7563  
~~separation, annulment, or pertaining to the allocation of~~ 7564  
~~parental rights and parenting responsibilities regarding the~~ 7565  
child. 7566

**Sec. 3109.74.** (A) A person who creates a power of attorney 7567  
under section 3109.52 of the Revised Code or executes a 7568  
caretaker authorization affidavit under section 3109.67 of the 7569  
Revised Code shall file the power of attorney or affidavit with 7570  
the juvenile court of the county in which the grandparent 7571  
designated as attorney in fact or grandparent who executed the 7572  
affidavit resides or any other court that has jurisdiction over 7573  
the child under a previously filed motion or proceeding. The 7574  
power of attorney or affidavit shall be filed not later than 7575  
five days after the date it is created or executed and may be 7576  
sent to the court by certified mail. 7577

(B) A power of attorney filed under this section shall be 7578  
accompanied by a receipt showing that the notice of creation of 7579  
the power of attorney was sent to the parent or legal custodian 7580  
who is not the ~~residential-designated~~ parent and legal custodian 7581  
by certified mail under section 3109.55 of the Revised Code. 7582

(C) (1) The grandparent designated as attorney in fact or 7583  
the grandparent who executed the affidavit shall include with 7584  
the power of attorney or the caretaker authorization affidavit 7585  
the information described in section 3109.27 of the Revised 7586  
Code. 7587

(2) If the grandparent provides information that the 7588  
grandparent previously has been convicted of or pleaded guilty 7589  
to any criminal offense involving any act that resulted in a 7590  
child being an abused child or a neglected child or previously 7591  
has been determined, in a case in which a child has been 7592  
adjudicated an abused child or a neglected child, to be the 7593  
perpetrator of the abusive or neglectful act that was the basis 7594  
of the adjudication, the court may report that information to 7595  
the public children services agency pursuant to section 2151.421 7596

of the Revised Code. Upon the receipt of that information, the 7597  
public children services agency shall initiate an investigation 7598  
pursuant to section 2151.421 of the Revised Code. 7599

(3) If the court has reason to believe that a power of 7600  
attorney or caretaker authorization affidavit is not in the best 7601  
interest of the child, the court may report that information to 7602  
the public children services agency pursuant to section 2151.421 7603  
of the Revised Code. Upon receipt of that information, the 7604  
public children services agency shall initiate an investigation 7605  
pursuant to section 2151.421 of the Revised Code. The public 7606  
children services agency shall submit a report of its 7607  
investigation to the court not later than thirty days after the 7608  
court reports the information to the public children services 7609  
agency or not later than forty-five days after the court reports 7610  
the information to the public children services agency when 7611  
information that is needed to determine the case disposition 7612  
cannot be compiled within thirty days and the reasons are 7613  
documented in the case record. 7614

(D) The court shall waive any filing fee imposed for the 7615  
filing of the power of attorney or caretaker authorization 7616  
affidavit. 7617

**Sec. 3111.13.** (A) The judgment or order of the court 7618  
determining the existence or nonexistence of the parent and 7619  
child relationship is determinative for all purposes. 7620

(B) If the judgment or order of the court is at variance 7621  
with the child's birth record, the court may order that a new 7622  
birth record be issued under section 3111.18 of the Revised 7623  
Code. 7624

(C) Except as otherwise provided in this section, the 7625

judgment or order may contain, at the request of a party and if 7626  
not prohibited under federal law, any other provision directed 7627  
against the appropriate party to the proceeding, concerning the 7628  
duty of support, the payment of all or any part of the 7629  
reasonable expenses of the mother's pregnancy and confinement, 7630  
the furnishing of bond or other security for the payment of the 7631  
judgment, or any other matter in the best interest of the child. 7632  
After entry of the judgment or order, the father may petition 7633  
that he be designated the ~~residential-designated~~ parent and 7634  
legal custodian of the child or ~~for parenting time rights~~ be 7635  
allocated parenting responsibilities in a proceeding separate 7636  
from any action to establish paternity. Additionally, if the 7637  
mother is unmarried, ~~the father may file a complaint requesting~~ 7638  
~~the granting of reasonable parenting time rights, and the~~ 7639  
parents of the father, any relative of the father, the parents 7640  
of the mother, and any relative of the mother may file a 7641  
complaint requesting the granting of reasonable companionship or 7642  
visitation rights, with the child pursuant to section 3109.12 of 7643  
the Revised Code. 7644

The judgment or order shall contain any provision required 7645  
by section 3111.14 of the Revised Code. 7646

(D) Support judgments or orders ordinarily shall be for 7647  
periodic payments that may vary in amount. In the best interest 7648  
of the child, the purchase of an annuity may be ordered in lieu 7649  
of periodic payments of support if the purchase agreement 7650  
provides that any remaining principal will be transferred to the 7651  
ownership and control of the child on the child's attainment of 7652  
the age of majority. 7653

(E) In determining the amount to be paid by a parent for 7654  
support of the child and the period during which the duty of 7655

support is owed, a court enforcing the obligation of support 7656  
shall comply with Chapters 3119., 3121., 3123., and 3125. of the 7657  
Revised Code. 7658

(F) (1) Any court that makes or modifies an order for child 7659  
support under this section shall comply with Chapters 3119., 7660  
3121., 3123., and 3125. of the Revised Code. If any person 7661  
required to pay child support under an order made under this 7662  
section on or after April 15, 1985, or modified on or after 7663  
December 1, 1986, is found in contempt of court for failure to 7664  
make support payments under the order, the court that makes the 7665  
finding, in addition to any other penalty or remedy imposed, 7666  
shall assess all court costs arising out of the contempt 7667  
proceeding against the person and require the person to pay any 7668  
reasonable attorney's fees of any adverse party, as determined 7669  
by the court, that arose in relation to the act of contempt. 7670

(2) When a court determines whether to require a parent to 7671  
pay an amount for that parent's failure to support a child prior 7672  
to the date the court issues an order requiring that parent to 7673  
pay an amount for the current support of that child, it shall 7674  
consider all relevant factors, including, but not limited to, 7675  
any monetary contribution either parent of the child made to the 7676  
support of the child prior to the court issuing the order 7677  
requiring the parent to pay an amount for the current support of 7678  
the child. 7679

(3) (a) A court shall not require a parent to pay an amount 7680  
for that parent's failure to support a child prior to the date 7681  
the court issues an order requiring that parent to pay an amount 7682  
for the current support of that child or to pay all or any part 7683  
of the reasonable expenses of the mother's pregnancy and 7684  
confinement, if both of the following apply: 7685

(i) At the time of the initial filing of an action to determine the existence of the parent and child relationship with respect to that parent, the child was over three years of age.

(ii) Prior to the initial filing of an action to determine the existence of the parent and child relationship with respect to that parent, the alleged father had no knowledge and had no reason to have knowledge of his alleged paternity of the child.

(b) For purposes of division (F) (4) (a) (ii) of this section, the mother of the child may establish that the alleged father had or should have had knowledge of the paternity of the child by showing, by a preponderance of the evidence, that she performed a reasonable and documented effort to contact and notify the alleged father of his paternity of the child.

(c) A party is entitled to obtain modification of an existing order for arrearages under this division regardless of whether the judgment, court order, or administrative support order from which relief is sought was issued prior to, on, or after October 27, 2000.

(G) As used in this section, "birth record" has the same meaning as in section 3705.01 of the Revised Code.

(H) Unless the court has reason to believe that a person named in the order is a potential victim of domestic violence, any order issued pursuant to this section finding the existence of a parent and child relationship shall contain the full names, addresses, and social security numbers of the mother and father of the child and the full name and address of the child.

**Sec. 3111.26.** After an acknowledgment of paternity becomes final and enforceable, the child is the child of the man who

signed the acknowledgment of paternity, as though born to him in 7715  
lawful wedlock. If the mother is unmarried, the man who signed 7716  
the acknowledgment of paternity may file a complaint requesting 7717  
the ~~granting of reasonable allocation of parenting time with the~~ 7718  
~~child under section 3109.12~~ responsibilities under sections 7719  
3109.04 to 3109.0499 of the Revised Code and the parents of the 7720  
man who signed the acknowledgment of paternity, any relative of 7721  
the man who signed the acknowledgment of paternity, the parents 7722  
of the mother, and any relative of the mother may file a 7723  
complaint pursuant to that section requesting the granting of 7724  
reasonable companionship or visitation rights with the child. 7725  
Once the acknowledgment becomes final the man who signed the 7726  
acknowledgment of paternity assumes the parental duty of 7727  
support. 7728

**Sec. 3111.381.** (A) Except as provided in divisions (B), 7729  
(C), (D), (E), and (F) of this section, no person may bring an 7730  
action under sections 3111.01 to 3111.18 of the Revised Code 7731  
unless the person has requested an administrative determination 7732  
under section 3111.38 of the Revised Code of the existence or 7733  
nonexistence of a parent and child relationship. 7734

(B) An action to determine the existence or nonexistence 7735  
of a parent and child relationship may be brought by the child's 7736  
mother in the appropriate division of the court of common pleas 7737  
in the county in which the child resides, without requesting an 7738  
administrative determination, if the child's mother brings the 7739  
action in order to request an order to determine the allocation 7740  
of ~~parental rights and parenting~~ responsibilities, the payment 7741  
of all or any part of the reasonable expenses of the mother's 7742  
pregnancy and confinement, or support of the child. The clerk of 7743  
the court shall forward a copy of the complaint to the child 7744  
support enforcement agency of the county in which the complaint 7745

is filed. 7746

(C) An action to determine the existence or nonexistence 7747  
of a parent and child relationship may be brought by the 7748  
putative father of the child in the appropriate division of the 7749  
court of common pleas in the county in which the child resides, 7750  
without requesting an administrative determination, if the 7751  
putative father brings the action in order to request an order 7752  
to determine the allocation of ~~parental rights and parenting~~ 7753  
responsibilities. The clerk of the court shall forward a copy of 7754  
the complaint to the child support enforcement agency of the 7755  
county in which the complaint is filed. 7756

(D) An action to determine the existence or nonexistence 7757  
of a parent and child relationship may be brought by the 7758  
caretaker of the child in the appropriate division of the court 7759  
of common pleas in the county in which the child resides, 7760  
without requesting an administrative determination, if the 7761  
caretaker brings the action in order to request support of the 7762  
child. The clerk of the court shall forward a copy of the 7763  
complaint to the child support enforcement agency of the county 7764  
in which the complaint is filed. 7765

(E) If services are requested by the court, under 7766  
divisions (B), (C), and (D) of this section, of the child 7767  
support enforcement agency to determine the existence or 7768  
nonexistence of a parent and child relationship, a Title IV-D 7769  
application must be completed and delivered to the child support 7770  
enforcement agency. 7771

(F) If the alleged father of a child is deceased and 7772  
proceedings for the probate of the estate of the alleged father 7773  
have been or can be commenced, the court with jurisdiction over 7774  
the probate proceedings shall retain jurisdiction to determine 7775



the existence or nonexistence of a parent and child relationship 7776  
between the alleged father and any child without an 7777  
administrative determination being requested from a child 7778  
support enforcement agency. 7779

If an action for divorce, dissolution of marriage, ~~or~~ 7780  
legal separation, or annulment, or an action under section 7781  
2151.231 or 2151.232 of the Revised Code requesting an order 7782  
requiring the payment of child support and provision for the 7783  
health care of a child, has been filed in a court of common 7784  
pleas and a question as to the existence or nonexistence of a 7785  
parent and child relationship arises, the court in which the 7786  
original action was filed shall retain jurisdiction to determine 7787  
the existence or nonexistence of the parent and child 7788  
relationship without an administrative determination being 7789  
requested from a child support enforcement agency. 7790

If a juvenile court or other court with jurisdiction under 7791  
section 2101.022 or 2301.03 of the Revised Code issues a support 7792  
order under section 2151.231 or 2151.232 of the Revised Code 7793  
relying on a presumption under section 3111.03 of the Revised 7794  
Code, the juvenile court or other court with jurisdiction that 7795  
issued the support order shall retain jurisdiction if a question 7796  
as to the existence of a parent and child relationship arises. 7797

**Sec. 3113.31.** (A) As used in this section: 7798

(1) "Domestic violence" means any of the following: 7799

(a) The occurrence of one or more of the following acts 7800  
against a family or household member: 7801

(i) Attempting to cause or recklessly causing bodily 7802  
injury; 7803

(ii) Placing another person by the threat of force in fear 7804

of imminent serious physical harm or committing a violation of 7805  
section 2903.211 or 2911.211 of the Revised Code; 7806

(iii) Committing any act with respect to a child that 7807  
would result in the child being an abused child, as defined in 7808  
section 2151.031 of the Revised Code; 7809

(iv) Committing a sexually oriented offense. 7810

(b) The occurrence of one or more of the acts identified 7811  
in divisions (A)(1)(a)(i) to (iv) of this section against a 7812  
person with whom the respondent is or was in a dating 7813  
relationship. 7814

(2) "Court" means the domestic relations division of the 7815  
court of common pleas in counties that have a domestic relations 7816  
division and the court of common pleas in counties that do not 7817  
have a domestic relations division, or the juvenile division of 7818  
the court of common pleas of the county in which the person to 7819  
be protected by a protection order issued or a consent agreement 7820  
approved under this section resides if the respondent is less 7821  
than eighteen years of age. 7822

(3) "Family or household member" means any of the 7823  
following: 7824

(a) Any of the following who is residing with or has 7825  
resided with the respondent: 7826

(i) A spouse, a person living as a spouse, or a former 7827  
spouse of the respondent; 7828

(ii) A parent, a foster parent, or a child of the 7829  
respondent, or another person related by consanguinity or 7830  
affinity to the respondent; 7831

(iii) A parent or a child of a spouse, person living as a 7832

spouse, or former spouse of the respondent, or another person 7833  
related by consanguinity or affinity to a spouse, person living 7834  
as a spouse, or former spouse of the respondent. 7835

(b) The natural parent of any child of whom the respondent 7836  
is the other natural parent or is the putative other natural 7837  
parent. 7838

(4) "Person living as a spouse" means a person who is 7839  
living or has lived with the respondent in a common law marital 7840  
relationship, who otherwise is cohabiting with the respondent, 7841  
or who otherwise has cohabited with the respondent within five 7842  
years prior to the date of the alleged occurrence of the act in 7843  
question. 7844

(5) "Victim advocate" means a person who provides support 7845  
and assistance for a person who files a petition under this 7846  
section. 7847

(6) "Sexually oriented offense" has the same meaning as in 7848  
section 2950.01 of the Revised Code. 7849

(7) "Companion animal" has the same meaning as in section 7850  
959.131 of the Revised Code. 7851

(8) "Dating relationship" means a relationship between 7852  
individuals who have, or have had, a relationship of a romantic 7853  
or intimate nature. "Dating relationship" does not include a 7854  
casual acquaintanceship or ordinary fraternization in a business 7855  
or social context. 7856

(9) "Person with whom the respondent is or was in a dating 7857  
relationship" means an individual who, at the time of the 7858  
conduct in question, is in a dating relationship with the 7859  
respondent who is an adult or who, within the twelve months 7860  
preceding the conduct in question, has had a dating relationship 7861

with the respondent who is an adult. 7862

(B) The court has jurisdiction over all proceedings under 7863  
this section. The petitioner's right to relief under this 7864  
section is not affected by the petitioner's leaving the 7865  
residence or household to avoid further domestic violence. 7866

(C) A person may seek relief under this section on the 7867  
person's own behalf, or any parent or adult household member may 7868  
seek relief under this section on behalf of any other family or 7869  
household member, by filing a petition with the court. The 7870  
petition shall contain or state: 7871

(1) An allegation that the respondent engaged in domestic 7872  
violence against a family or household member of the respondent 7873  
or against a person with whom the respondent is or was in a 7874  
dating relationship, including a description of the nature and 7875  
extent of the domestic violence; 7876

(2) The relationship of the respondent to the petitioner, 7877  
and to the victim if other than the petitioner; 7878

(3) If the petition is for protection of a person with 7879  
whom the respondent is or was in a dating relationship, the 7880  
facts upon which the court may conclude that a dating 7881  
relationship existed between the person to be protected and the 7882  
respondent; 7883

(4) A request for relief under this section. 7884

(D) (1) If a person who files a petition pursuant to this 7885  
section requests an ex parte order, the court shall hold an ex 7886  
parte hearing on the same day that the petition is filed. The 7887  
court, for good cause shown at the ex parte hearing, may enter 7888  
any temporary orders, with or without bond, including, but not 7889  
limited to, an order described in division (E) (1) (a), (b), or 7890

(c) of this section, that the court finds necessary to protect 7891  
the family or household member or the person with whom the 7892  
respondent is or was in a dating relationship from domestic 7893  
violence. Immediate and present danger of domestic violence to 7894  
the family or household member or to the person with whom the 7895  
respondent is or was in a dating relationship constitutes good 7896  
cause for purposes of this section. Immediate and present danger 7897  
includes, but is not limited to, situations in which the 7898  
respondent has threatened the family or household member or 7899  
person with whom the respondent is or was in a dating 7900  
relationship with bodily harm, in which the respondent has 7901  
threatened the family or household member or person with whom 7902  
the respondent is or was in a dating relationship with a 7903  
sexually oriented offense, or in which the respondent previously 7904  
has been convicted of, pleaded guilty to, or been adjudicated a 7905  
delinquent child for an offense that constitutes domestic 7906  
violence against the family or household member or person with 7907  
whom the respondent is or was in a dating relationship. 7908

(2) (a) If the court, after an ex parte hearing, issues an 7909  
order described in division (E) (1) (b) or (c) of this section, 7910  
the court shall schedule a full hearing for a date that is 7911  
within seven court days after the ex parte hearing. If any other 7912  
type of protection order that is authorized under division (E) 7913  
of this section is issued by the court after an ex parte 7914  
hearing, the court shall schedule a full hearing for a date that 7915  
is within ten court days after the ex parte hearing. The court 7916  
shall give the respondent notice of, and an opportunity to be 7917  
heard at, the full hearing. The court shall hold the full 7918  
hearing on the date scheduled under this division unless the 7919  
court grants a continuance of the hearing in accordance with 7920  
this division. Under any of the following circumstances or for 7921

any of the following reasons, the court may grant a continuance 7922  
of the full hearing to a reasonable time determined by the 7923  
court: 7924

(i) Prior to the date scheduled for the full hearing under 7925  
this division, the respondent has not been served with the 7926  
petition filed pursuant to this section and notice of the full 7927  
hearing. 7928

(ii) The parties consent to the continuance. 7929

(iii) The continuance is needed to allow a party to obtain 7930  
counsel. 7931

(iv) The continuance is needed for other good cause. 7932

(b) An ex parte order issued under this section does not 7933  
expire because of a failure to serve notice of the full hearing 7934  
upon the respondent before the date set for the full hearing 7935  
under division (D) (2) (a) of this section or because the court 7936  
grants a continuance under that division. 7937

(3) If a person who files a petition pursuant to this 7938  
section does not request an ex parte order, or if a person 7939  
requests an ex parte order but the court does not issue an ex 7940  
parte order after an ex parte hearing, the court shall proceed 7941  
as in a normal civil action and grant a full hearing on the 7942  
matter. 7943

(E) (1) After an ex parte or full hearing, the court may 7944  
grant any protection order, with or without bond, or approve any 7945  
consent agreement to bring about a cessation of domestic 7946  
violence against the family or household members or persons with 7947  
whom the respondent is or was in a dating relationship. The 7948  
order or agreement may: 7949

(a) Direct the respondent to refrain from abusing or from 7950  
committing sexually oriented offenses against the family or 7951  
household members or persons with whom the respondent is or was 7952  
in a dating relationship; 7953

(b) With respect to a petition involving family or 7954  
household members, grant possession of the residence or 7955  
household to the petitioner or other family or household member, 7956  
to the exclusion of the respondent, by evicting the respondent, 7957  
when the residence or household is owned or leased solely by the 7958  
petitioner or other family or household member, or by ordering 7959  
the respondent to vacate the premises, when the residence or 7960  
household is jointly owned or leased by the respondent, and the 7961  
petitioner or other family or household member; 7962

(c) With respect to a petition involving family or 7963  
household members, when the respondent has a duty to support the 7964  
petitioner or other family or household member living in the 7965  
residence or household and the respondent is the sole owner or 7966  
lessee of the residence or household, grant possession of the 7967  
residence or household to the petitioner or other family or 7968  
household member, to the exclusion of the respondent, by 7969  
ordering the respondent to vacate the premises, or, in the case 7970  
of a consent agreement, allow the respondent to provide 7971  
suitable, alternative housing; 7972

(d) With respect to a petition involving family or 7973  
household members, temporarily allocate ~~parental rights and~~ 7974  
~~parenting~~ responsibilities ~~for the care of, or establish~~ 7975  
~~temporary parenting time rights with regard to, minor children,~~ 7976  
if no other court has determined, or is determining, the 7977  
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 7978  
~~the minor children or parenting time rights;~~ 7979

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

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

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

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

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

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

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

(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or, with respect to a petition involving family or



household members, one or more of the family or household 8009  
members or victims, the court may include in a protection order 8010  
that it issues a prohibition against the respondent returning to 8011  
the residence or household. If it includes a prohibition against 8012  
the respondent returning to the residence or household in the 8013  
order, it also shall include in the order provisions of the type 8014  
described in division (E) (7) of this section. This division does 8015  
not preclude the court from including in a protection order or 8016  
consent agreement, in circumstances other than those described 8017  
in this division, a requirement that the respondent be evicted 8018  
from or vacate the residence or household or refrain from 8019  
entering the residence, school, business, or place of employment 8020  
of the petitioner or, with respect to a petition involving 8021  
family or household members, a family or household member, and, 8022  
if the court includes any requirement of that type in an order 8023  
or agreement, the court also shall include in the order 8024  
provisions of the type described in division (E) (7) of this 8025  
section. 8026

(3) (a) Any protection order issued or consent agreement 8027  
approved under this section shall be valid until a date certain, 8028  
but not later than five years from the date of its issuance or 8029  
approval, or not later than the date a respondent who is less 8030  
than eighteen years of age attains nineteen years of age, unless 8031  
modified or terminated as provided in division (E) (8) of this 8032  
section. 8033

(b) With respect to an order involving family or household 8034  
members, subject to the limitation on the duration of an order 8035  
or agreement set forth in division (E) (3) (a) of this section, 8036  
any order under division (E) (1) (d) of this section shall 8037  
terminate on the date that a court in an action for divorce, 8038  
dissolution of marriage, annulment, or legal separation brought 8039

by the petitioner or respondent issues an order allocating 8040  
~~parental rights and parenting responsibilities for the care of~~ 8041  
~~children~~ or on the date that a juvenile court in an action 8042  
brought by the petitioner or respondent issues an order awarding 8043  
legal custody of minor children. Subject to the limitation on 8044  
the duration of an order or agreement set forth in division (E) 8045  
(3) (a) of this section, any order under division (E) (1) (e) of 8046  
this section shall terminate on the date that a court in an 8047  
action for divorce, dissolution of marriage, or legal separation 8048  
brought by the petitioner or respondent issues a support order 8049  
or on the date that a juvenile court in an action brought by the 8050  
petitioner or respondent issues a support order. 8051

(c) Any protection order issued or consent agreement 8052  
approved pursuant to this section may be renewed in the same 8053  
manner as the original order or agreement was issued or 8054  
approved. 8055

(4) A court may not issue a protection order that requires 8056  
a petitioner to do or to refrain from doing an act that the 8057  
court may require a respondent to do or to refrain from doing 8058  
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 8059  
this section unless all of the following apply: 8060

(a) The respondent files a separate petition for a 8061  
protection order in accordance with this section. 8062

(b) The petitioner is served notice of the respondent's 8063  
petition at least forty-eight hours before the court holds a 8064  
hearing with respect to the respondent's petition, or the 8065  
petitioner waives the right to receive this notice. 8066

(c) If the petitioner has requested an ex parte order 8067  
pursuant to division (D) of this section, the court does not 8068

delay any hearing required by that division beyond the time 8069  
specified in that division in order to consolidate the hearing 8070  
with a hearing on the petition filed by the respondent. 8071

(d) After a full hearing at which the respondent presents 8072  
evidence in support of the request for a protection order and 8073  
the petitioner is afforded an opportunity to defend against that 8074  
evidence, the court determines that the petitioner has committed 8075  
an act of domestic violence or has violated a temporary 8076  
protection order issued pursuant to section 2919.26 of the 8077  
Revised Code, that both the petitioner and the respondent acted 8078  
primarily as aggressors, and that neither the petitioner nor the 8079  
respondent acted primarily in self-defense. 8080

(5) No protection order issued or consent agreement 8081  
approved under this section shall in any manner affect title to 8082  
any real property. 8083

(6) (a) With respect to an order involving family or 8084  
household members, if a petitioner, or the child of a 8085  
petitioner, who obtains a protection order or consent agreement 8086  
pursuant to division (E) (1) of this section or a temporary 8087  
protection order pursuant to section 2919.26 of the Revised Code 8088  
and is ~~the subject of a parenting time order issued pursuant to~~ 8089  
a parenting plan as described in section 3109.051-3109.044 of 8090  
the Revised Code or issued pursuant to section 3109.12 of the 8091  
Revised Code or division (E) (1) (d) of this section or a 8092  
~~visitation or companionship or visitation order issued pursuant~~ 8093  
to section ~~3109.051,~~ 3109.054, 3109.11, or 3109.12 of the 8094  
Revised Code ~~or division (E) (1) (d) of this section~~ granting 8095  
~~parenting time rights to the respondent,~~ the court may require 8096  
the public children services agency of the county in which the 8097  
court is located to provide supervision of the respondent's 8098

exercise of parenting time under a parenting plan or ~~visitation-~~ 8099  
~~or~~ companionship or visitation rights with respect to the child 8100  
for a period not to exceed nine months, if the court makes the 8101  
following findings of fact: 8102

(i) The child is in danger from the respondent; 8103

(ii) No other person or agency is available to provide the 8104  
supervision. 8105

(b) A court that requires an agency to provide supervision 8106  
pursuant to division (E) (6) (a) of this section shall order the 8107  
respondent to reimburse the agency for the cost of providing the 8108  
supervision, if it determines that the respondent has sufficient 8109  
income or resources to pay that cost. 8110

(7) (a) If a protection order issued or consent agreement 8111  
approved under this section includes a requirement that the 8112  
respondent be evicted from or vacate the residence or household 8113  
or refrain from entering the residence, school, business, or 8114  
place of employment of the petitioner or, with respect to a 8115  
petition involving family or household members, a family or 8116  
household member, the order or agreement shall state clearly 8117  
that the order or agreement cannot be waived or nullified by an 8118  
invitation to the respondent from the petitioner or other family 8119  
or household member to enter the residence, school, business, or 8120  
place of employment or by the respondent's entry into one of 8121  
those places otherwise upon the consent of the petitioner or 8122  
other family or household member. 8123

(b) Division (E) (7) (a) of this section does not limit any 8124  
discretion of a court to determine that a respondent charged 8125  
with a violation of section 2919.27 of the Revised Code, with a 8126  
violation of a municipal ordinance substantially equivalent to 8127

that section, or with contempt of court, which charge is based 8128  
on an alleged violation of a protection order issued or consent 8129  
agreement approved under this section, did not commit the 8130  
violation or was not in contempt of court. 8131

(8) (a) The court may modify or terminate as provided in 8132  
division (E) (8) of this section a protection order or consent 8133  
agreement that was issued after a full hearing under this 8134  
section. The court that issued the protection order or approved 8135  
the consent agreement shall hear a motion for modification or 8136  
termination of the protection order or consent agreement 8137  
pursuant to division (E) (8) of this section. 8138

(b) Either the petitioner or the respondent of the 8139  
original protection order or consent agreement may bring a 8140  
motion for modification or termination of a protection order or 8141  
consent agreement that was issued or approved after a full 8142  
hearing. The court shall require notice of the motion to be made 8143  
as provided by the Rules of Civil Procedure. If the petitioner 8144  
for the original protection order or consent agreement has 8145  
requested that the petitioner's address be kept confidential, 8146  
the court shall not disclose the address to the respondent of 8147  
the original protection order or consent agreement or any other 8148  
person, except as otherwise required by law. The moving party 8149  
has the burden of proof to show, by a preponderance of the 8150  
evidence, that modification or termination of the protection 8151  
order or consent agreement is appropriate because either the 8152  
protection order or consent agreement is no longer needed or 8153  
because the terms of the original protection order or consent 8154  
agreement are no longer appropriate. 8155

(c) In considering whether to modify or terminate a 8156  
protection order or consent agreement issued or approved under 8157

this section, the court shall consider all relevant factors, 8158  
including, but not limited to, the following: 8159

(i) Whether the petitioner consents to modification or 8160  
termination of the protection order or consent agreement; 8161

(ii) Whether the petitioner fears the respondent; 8162

(iii) The current nature of the relationship between the 8163  
petitioner and the respondent; 8164

(iv) The circumstances of the petitioner and respondent, 8165  
including the relative proximity of the petitioner's and 8166  
respondent's workplaces and residences and whether the 8167  
petitioner and respondent have minor children together; 8168

(v) Whether the respondent has complied with the terms and 8169  
conditions of the original protection order or consent 8170  
agreement; 8171

(vi) Whether the respondent has a continuing involvement 8172  
with illegal drugs or alcohol; 8173

(vii) Whether the respondent has been convicted of, 8174  
pleaded guilty to, or been adjudicated a delinquent child for an 8175  
offense of violence since the issuance of the protection order 8176  
or approval of the consent agreement; 8177

(viii) Whether any other protection orders, consent 8178  
agreements, restraining orders, or no contact orders have been 8179  
issued against the respondent pursuant to this section, section 8180  
2919.26 of the Revised Code, any other provision of state law, 8181  
or the law of any other state; 8182

(ix) Whether the respondent has participated in any 8183  
domestic violence treatment, intervention program, or other 8184  
counseling addressing domestic violence and whether the 8185

respondent has completed the treatment, program, or counseling; 8186

(x) The time that has elapsed since the protection order 8187  
was issued or since the consent agreement was approved; 8188

(xi) The age and health of the respondent; 8189

(xii) When the last incident of abuse, threat of harm, or 8190  
commission of a sexually oriented offense occurred or other 8191  
relevant information concerning the safety and protection of the 8192  
petitioner or other protected parties. 8193

(d) If a protection order or consent agreement is modified 8194  
or terminated as provided in division (E) (8) of this section, 8195  
the court shall issue copies of the modified or terminated order 8196  
or agreement as provided in division (F) of this section. A 8197  
petitioner may also provide notice of the modification or 8198  
termination to the judicial and law enforcement officials in any 8199  
county other than the county in which the order or agreement is 8200  
modified or terminated as provided in division (N) of this 8201  
section. 8202

(e) If the respondent moves for modification or 8203  
termination of a protection order or consent agreement pursuant 8204  
to this section and the court denies the motion, the court may 8205  
assess costs against the respondent for the filing of the 8206  
motion. 8207

(9) Any protection order issued or any consent agreement 8208  
approved pursuant to this section shall include a provision that 8209  
the court will automatically seal all of the records of the 8210  
proceeding in which the order is issued or agreement approved on 8211  
the date the respondent attains the age of nineteen years unless 8212  
the petitioner provides the court with evidence that the 8213  
respondent has not complied with all of the terms of the 8214

protection order or consent agreement. The protection order or 8215  
consent agreement shall specify the date when the respondent 8216  
attains the age of nineteen years. 8217

(F) (1) A copy of any protection order, or consent 8218  
agreement, that is issued, approved, modified, or terminated 8219  
under this section shall be issued by the court to the 8220  
petitioner, to the respondent, and to all law enforcement 8221  
agencies that have jurisdiction to enforce the order or 8222  
agreement. The court shall direct that a copy of an order be 8223  
delivered to the respondent on the same day that the order is 8224  
entered. 8225

(2) Upon the issuance of a protection order or the 8226  
approval of a consent agreement under this section, the court 8227  
shall provide the parties to the order or agreement with the 8228  
following notice orally or by form: 8229

"NOTICE 8230

As a result of this order or consent agreement, it may be 8231  
unlawful for you to possess or purchase a firearm, including a 8232  
rifle, pistol, or revolver, or ammunition pursuant to federal 8233  
law under 18 U.S.C. 922(g)(8) for the duration of this order or 8234  
consent agreement. If you have any questions whether this law 8235  
makes it illegal for you to possess or purchase a firearm or 8236  
ammunition, you should consult an attorney." 8237

(3) All law enforcement agencies shall establish and 8238  
maintain an index for the protection orders and the approved 8239  
consent agreements delivered to the agencies pursuant to 8240  
division (F) (1) of this section. With respect to each order and 8241  
consent agreement delivered, each agency shall note on the index 8242  
the date and time that it received the order or consent 8243



agreement. 8244

(4) Regardless of whether the petitioner has registered 8245  
the order or agreement in the county in which the officer's 8246  
agency has jurisdiction pursuant to division (N) of this 8247  
section, any officer of a law enforcement agency shall enforce a 8248  
protection order issued or consent agreement approved by any 8249  
court in this state in accordance with the provisions of the 8250  
order or agreement, including removing the respondent from the 8251  
premises, if appropriate. 8252

(G) (1) Any proceeding under this section shall be 8253  
conducted in accordance with the Rules of Civil Procedure, 8254  
except that an order under this section may be obtained with or 8255  
without bond. An order issued under this section, other than an 8256  
ex parte order, that grants a protection order or approves a 8257  
consent agreement, that refuses to grant a protection order or 8258  
approve a consent agreement that modifies or terminates a 8259  
protection order or consent agreement, or that refuses to modify 8260  
or terminate a protection order or consent agreement, is a 8261  
final, appealable order. The remedies and procedures provided in 8262  
this section are in addition to, and not in lieu of, any other 8263  
available civil or criminal remedies. 8264

(2) If as provided in division (G) (1) of this section an 8265  
order issued under this section, other than an ex parte order, 8266  
refuses to grant a protection order, the court, on its own 8267  
motion, shall order that the ex parte order issued under this 8268  
section and all of the records pertaining to that ex parte order 8269  
be sealed after either of the following occurs: 8270

(a) No party has exercised the right to appeal pursuant to 8271  
Rule 4 of the Rules of Appellate Procedure. 8272

(b) All appellate rights have been exhausted.	8273
(H) The filing of proceedings under this section does not	8274
excuse a person from filing any report or giving any notice	8275
required by section 2151.421 of the Revised Code or by any other	8276
law. When a petition under this section alleges domestic	8277
violence against minor children, the court shall report the	8278
fact, or cause reports to be made, to a county, township, or	8279
municipal peace officer under section 2151.421 of the Revised	8280
Code.	8281
(I) Any law enforcement agency that investigates a	8282
domestic dispute shall provide information to the family or	8283
household members involved, or the persons in the dating	8284
relationship who are involved, whichever is applicable regarding	8285
the relief available under this section and, for family or	8286
household members, section 2919.26 of the Revised Code.	8287
(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this	8288
section and regardless of whether a protection order is issued	8289
or a consent agreement is approved by a court of another county	8290
or a court of another state, no court or unit of state or local	8291
government shall charge the petitioner any fee, cost, deposit,	8292
or money in connection with the filing of a petition pursuant to	8293
this section or in connection with the filing, issuance,	8294
registration, modification, enforcement, dismissal, withdrawal,	8295
or service of a protection order, consent agreement, or witness	8296
subpoena or for obtaining a certified copy of a protection order	8297
or consent agreement.	8298
(2) Regardless of whether a protection order is issued or	8299
a consent agreement is approved pursuant to this section, the	8300
court may assess costs against the respondent in connection with	8301
the filing, issuance, registration, modification, enforcement,	8302

dismissal, withdrawal, or service of a protection order, consent 8303  
agreement, or witness subpoena or for obtaining a certified copy 8304  
of a protection order or consent agreement. 8305

(K) (1) The court shall comply with Chapters 3119., 3121., 8306  
3123., and 3125. of the Revised Code when it makes or modifies 8307  
an order for child support under this section. 8308

(2) If any person required to pay child support under an 8309  
order made under this section on or after April 15, 1985, or 8310  
modified under this section on or after December 31, 1986, is 8311  
found in contempt of court for failure to make support payments 8312  
under the order, the court that makes the finding, in addition 8313  
to any other penalty or remedy imposed, shall assess all court 8314  
costs arising out of the contempt proceeding against the person 8315  
and require the person to pay any reasonable attorney's fees of 8316  
any adverse party, as determined by the court, that arose in 8317  
relation to the act of contempt. 8318

(L) (1) A person who violates a protection order issued or 8319  
a consent agreement approved under this section is subject to 8320  
the following sanctions: 8321

(a) Criminal prosecution or a delinquent child proceeding 8322  
for a violation of section 2919.27 of the Revised Code, if the 8323  
violation of the protection order or consent agreement 8324  
constitutes a violation of that section; 8325

(b) Punishment for contempt of court. 8326

(2) The punishment of a person for contempt of court for 8327  
violation of a protection order issued or a consent agreement 8328  
approved under this section does not bar criminal prosecution of 8329  
the person or a delinquent child proceeding concerning the 8330  
person for a violation of section 2919.27 of the Revised Code. 8331

However, a person punished for contempt of court is entitled to 8332  
credit for the punishment imposed upon conviction of or 8333  
adjudication as a delinquent child for a violation of that 8334  
section, and a person convicted of or adjudicated a delinquent 8335  
child for a violation of that section shall not subsequently be 8336  
punished for contempt of court arising out of the same activity. 8337

(M) In all stages of a proceeding under this section, a 8338  
petitioner may be accompanied by a victim advocate. 8339

(N) (1) A petitioner who obtains a protection order or 8340  
consent agreement under this section or a temporary protection 8341  
order under section 2919.26 of the Revised Code may provide 8342  
notice of the issuance or approval of the order or agreement to 8343  
the judicial and law enforcement officials in any county other 8344  
than the county in which the order is issued or the agreement is 8345  
approved by registering that order or agreement in the other 8346  
county pursuant to division (N) (2) of this section and filing a 8347  
copy of the registered order or registered agreement with a law 8348  
enforcement agency in the other county in accordance with that 8349  
division. A person who obtains a protection order issued by a 8350  
court of another state may provide notice of the issuance of the 8351  
order to the judicial and law enforcement officials in any 8352  
county of this state by registering the order in that county 8353  
pursuant to section 2919.272 of the Revised Code and filing a 8354  
copy of the registered order with a law enforcement agency in 8355  
that county. 8356

(2) A petitioner may register a temporary protection 8357  
order, protection order, or consent agreement in a county other 8358  
than the county in which the court that issued the order or 8359  
approved the agreement is located in the following manner: 8360

(a) The petitioner shall obtain a certified copy of the 8361

order or agreement from the clerk of the court that issued the 8362  
order or approved the agreement and present that certified copy 8363  
to the clerk of the court of common pleas or the clerk of a 8364  
municipal court or county court in the county in which the order 8365  
or agreement is to be registered. 8366

(b) Upon accepting the certified copy of the order or 8367  
agreement for registration, the clerk of the court of common 8368  
pleas, municipal court, or county court shall place an 8369  
endorsement of registration on the order or agreement and give 8370  
the petitioner a copy of the order or agreement that bears that 8371  
proof of registration. 8372

(3) The clerk of each court of common pleas, the clerk of 8373  
each municipal court, and the clerk of each county court shall 8374  
maintain a registry of certified copies of temporary protection 8375  
orders, protection orders, or consent agreements that have been 8376  
issued or approved by courts in other counties and that have 8377  
been registered with the clerk. 8378

(O) Nothing in this section prohibits the domestic 8379  
relations division of a court of common pleas in counties that 8380  
have a domestic relations division or a court of common pleas in 8381  
counties that do not have a domestic relations division from 8382  
designating a minor child as a protected party on a protection 8383  
order or consent agreement. 8384

**Sec. 3119.01.** (A) As used in the Revised Code, "child 8385  
support enforcement agency" means a child support enforcement 8386  
agency designated under former section 2301.35 of the Revised 8387  
Code prior to October 1, 1997, or a private or government entity 8388  
designated as a child support enforcement agency under section 8389  
307.981 of the Revised Code. 8390

(B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code:	8391
	8392
(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.	8393
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(2) "Child support order" means either a court child support order or an administrative child support order.	8400
	8401
(3) "Obligee" means the person who is entitled to receive the support payments under a support order.	8402
	8403
(4) "Obligor" means the person who is required to pay support under a support order.	8404
	8405
(5) "Support order" means either an administrative child support order or a court support order.	8406
	8407
(C) As used in this chapter:	8408
(1) "Caretaker" means any of the following, other than a parent:	8409
	8410
(a) A person with whom the child resides for at least thirty consecutive days, and who is the child's primary caregiver;	8411
	8412
	8413
(b) A person who is receiving public assistance on behalf of the child;	8414
	8415
(c) A person or agency with legal custody of the child, including a county department of job and family services or a	8416
	8417

public children services agency;	8418
(d) A guardian of the person or the estate of a child;	8419
(e) Any other appropriate court or agency with custody of the child.	8420 8421
"Caretaker" excludes a "host family" as defined under section 2151.90 of the Revised Code.	8422 8423
(2) "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.	8424 8425 8426
(3) "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.	8427 8428 8429
(4) "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.	8430 8431 8432 8433 8434 8435 8436
(5) "Court-ordered parenting time" means the amount of parenting time <del>a parent is to have, as defined in section</del> <u>3109.04 of the Revised Code,</u> under a <del>parenting time court order</del> <del>or the amount of time the children are to be in the physical-</del> <del>e custody of a parent under a shared-allocating parenting</del> <del>order responsibilities.</del>	8437 8438 8439 8440 8441 8442
(6) "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,	8443 8444 8445

section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 8446  
division (B) of former section 3113.21 of the Revised Code. 8447

(7) "CPI-U" means the consumer price index for all urban 8448  
consumers, published by the United States department of labor, 8449  
bureau of labor statistics. 8450

(8) "Extraordinary medical expenses" means any uninsured 8451  
medical expenses incurred for a child during a calendar year 8452  
that exceed the total cash medical support amount owed by the 8453  
parents during that year. 8454

(9) "Federal poverty level" has the same meaning as in 8455  
section 5121.30 of the Revised Code. 8456

(10) "Income" means either of the following: 8457

(a) For a parent who is employed to full capacity, the 8458  
gross income of the parent; 8459

(b) For a parent who is unemployed or underemployed, the 8460  
sum of the gross income of the parent and any potential income 8461  
of the parent. 8462

(11) "Income share" means the percentage derived from a 8463  
comparison of each parent's annual income after allowable 8464  
deductions and credits as indicated on the worksheet to the 8465  
total annual income of both parents. 8466

(12) "Insurer" means any person authorized under Title 8467  
XXXIX of the Revised Code to engage in the business of insurance 8468  
in this state, any health insuring corporation, and any legal 8469  
entity that is self-insured and provides benefits to its 8470  
employees or members. 8471

(13) "Gross income" means, except as excluded in division 8472  
(C) (13) of this section, the total of all earned and unearned 8473



income from all sources during a calendar year, whether or not 8474  
the income is taxable, and includes income from salaries, wages, 8475  
overtime pay, and bonuses to the extent described in division 8476  
(D) of section 3119.05 of the Revised Code; commissions; 8477  
royalties; tips; rents; dividends; severance pay; pensions; 8478  
interest; trust income; annuities; social security benefits, 8479  
including retirement, disability, and survivor benefits that are 8480  
not means-tested; workers' compensation benefits; unemployment 8481  
insurance benefits; disability insurance benefits; benefits that 8482  
are not means-tested and that are received by and in the 8483  
possession of the veteran who is the beneficiary for any 8484  
service-connected disability under a program or law administered 8485  
by the United States department of veterans' affairs or 8486  
veterans' administration; spousal support actually received; and 8487  
all other sources of income. "Gross income" includes income of 8488  
members of any branch of the United States armed services or 8489  
national guard, including, amounts representing base pay, basic 8490  
allowance for quarters, basic allowance for subsistence, 8491  
supplemental subsistence allowance, cost of living adjustment, 8492  
specialty pay, variable housing allowance, and pay for training 8493  
or other types of required drills; self-generated income; and 8494  
potential cash flow from any source. 8495

"Gross income" does not include any of the following: 8496

(a) Benefits received from means-tested government 8497  
administered programs, including Ohio works first; prevention, 8498  
retention, and contingency; means-tested veterans' benefits; 8499  
supplemental security income; supplemental nutrition assistance 8500  
program; disability financial assistance; or other assistance 8501  
for which eligibility is determined on the basis of income or 8502  
assets; 8503

(b) Benefits for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration that are not means-tested, that have not been distributed to the veteran who is the beneficiary of the benefits, and that are in the possession of the United States department of veterans' affairs or veterans' administration;	8504 8505 8506 8507 8508 8509 8510
(c) Child support amounts received for children who are not included in the current calculation;	8511 8512
(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;	8513 8514 8515
(e) Nonrecurring or unsustainable income or cash flow items;	8516 8517
(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;	8518 8519 8520 8521
(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.	8522 8523 8524 8525
(14) "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	8526 8527 8528 8529 8530 8531 8532

the parent receives or expects to receive for each year for a 8533  
period of more than three years or that the parent receives and 8534  
invests or otherwise uses to produce income or cash flow for a 8535  
period of more than three years. 8536

(15) "Ordinary medical expenses" includes copayments and 8537  
deductibles, and uninsured medical-related costs for the 8538  
children of the order. 8539

(16) (a) "Ordinary and necessary expenses incurred in 8540  
generating gross receipts" means actual cash items expended by 8541  
the parent or the parent's business and includes depreciation 8542  
expenses of business equipment as shown on the books of a 8543  
business entity. 8544

(b) Except as specifically included in "ordinary and 8545  
necessary expenses incurred in generating gross receipts" by 8546  
division (C) (16) (a) of this section, "ordinary and necessary 8547  
expenses incurred in generating gross receipts" does not include 8548  
depreciation expenses and other noncash items that are allowed 8549  
as deductions on any federal tax return of the parent or the 8550  
parent's business. 8551

(17) "Personal earnings" means compensation paid or 8552  
payable for personal services, however denominated, and includes 8553  
wages, salary, commissions, bonuses, draws against commissions, 8554  
profit sharing, vacation pay, or any other compensation. 8555

(18) "Potential income" means both of the following for a 8556  
parent who the court pursuant to a court support order, or a 8557  
child support enforcement agency pursuant to an administrative 8558  
child support order, determines is voluntarily unemployed or 8559  
voluntarily underemployed: 8560

(a) Imputed income that the court or agency determines the 8561

parent would have earned if fully employed as determined from	8562
the following criteria:	8563
(i) The parent's prior employment experience;	8564
(ii) The parent's education;	8565
(iii) The parent's physical and mental disabilities, if any;	8566 8567
(iv) The availability of employment in the geographic area in which the parent resides;	8568 8569
(v) The prevailing wage and salary levels in the geographic area in which the parent resides;	8570 8571
(vi) The parent's special skills and training;	8572
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	8573 8574
(viii) The age and special needs of the child for whom child support is being calculated under this section;	8575 8576
(ix) The parent's increased earning capacity because of experience;	8577 8578
(x) The parent's decreased earning capacity because of a felony conviction;	8579 8580
(xi) Any other relevant factor.	8581
(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.	8582 8583 8584 8585 8586 8587

(19) "Schedule" means the basic child support schedule 8588  
created pursuant to section 3119.021 of the Revised Code. 8589

(20) "Self-generated income" means gross receipts received 8590  
by a parent from self-employment, proprietorship of a business, 8591  
joint ownership of a partnership or closely held corporation, 8592  
and rents minus ordinary and necessary expenses incurred by the 8593  
parent in generating the gross receipts. "Self-generated income" 8594  
includes expense reimbursements or in-kind payments received by 8595  
a parent from self-employment, the operation of a business, or 8596  
rents, including company cars, free housing, reimbursed meals, 8597  
and other benefits, if the reimbursements are significant and 8598  
reduce personal living expenses. 8599

(21) "Self-sufficiency reserve" means the minimal amount 8600  
necessary for an obligor to adequately subsist upon, as 8601  
determined under section 3119.021 of the Revised Code. 8602

(22) "Split parental rights and responsibilities" means, 8603  
under a decree allocating parental rights and responsibilities 8604  
that was issued pursuant to section 3109.04 of the Revised Code 8605  
as that section existed prior to the effective date of this 8606  
amendment, a situation in which there is more than one child who 8607  
is the subject of an allocation of parental rights and 8608  
responsibilities and each parent is the residential parent and 8609  
legal custodian of at least one of those children. 8610

(23) "Split parenting responsibilities" means, under a 8611  
parenting plan that is approved by the court and included in an 8612  
order issued under section 3109.041 of the Revised Code, a 8613  
situation in which there is more than one child who is the 8614  
subject of an allocation of parenting responsibilities and one 8615  
parent is the designated parent and legal custodian of at least 8616  
one child and the other parent is the designated parent and 8617

legal custodian of at least one other child. 8618

(24) "Worksheet" means the applicable worksheet created in 8619  
rules adopted under section 3119.022 of the Revised Code that is 8620  
used to calculate a parent's child support obligation. 8621

**Sec. 3119.06.** (A) Except as otherwise provided in this 8622  
section, in any action in which a court or a child support 8623  
enforcement agency issues or modifies a child support order or 8624  
in any other proceeding in which a court or agency determines 8625  
the amount of child support to be paid pursuant to a child 8626  
support order, the court or agency shall issue a minimum child 8627  
support order requiring the obligor to pay a minimum of eighty 8628  
dollars a month for all the children subject to that order. The 8629  
court or agency, in its discretion and in appropriate 8630  
circumstances, may issue a minimum child support order of less 8631  
than eighty dollars a month or issue an order not requiring the 8632  
obligor to pay any child support amount. The circumstances under 8633  
which a court or agency may issue such an order include the 8634  
~~nonresidential parent's~~ medically verified or documented 8635  
physical or mental disability or institutionalization in a 8636  
facility for persons with a mental illness or any other 8637  
circumstances considered appropriate by the court or agency of 8638  
the parent who is not the designated parent and legal custodian. 8639

If a court or agency issues a minimum child support 8640  
obligation pursuant to this section and the obligor under the 8641  
support order is the recipient of means-tested public 8642  
assistance, as described in division (C)(13)(a) of section 8643  
3119.01 of the Revised Code, any unpaid amounts of support due 8644  
under the support order shall accrue as arrearages from month to 8645  
month, and the obligor's current obligation to pay the support 8646  
due under the support order is suspended during any period of 8647

time that the obligor is receiving means-tested public 8648  
assistance and is complying with any seek work orders issued 8649  
pursuant to section 3121.03 of the Revised Code. The court, 8650  
obligee, and child support enforcement agency shall not enforce 8651  
the obligation of the obligor to pay the amount of support due 8652  
under the support order while the obligor is receiving means- 8653  
tested public assistance and is complying with any seek work 8654  
orders issued pursuant to section 3121.03 of the Revised Code. 8655

(B) As used in this section, "means-tested public 8656  
assistance" includes cash assistance payments under the Ohio 8657  
works first program established under Chapter 5107. of the 8658  
Revised Code, financial assistance under the disability 8659  
financial assistance program established under Chapter 5115. of 8660  
the Revised Code, supplemental security income, or means-tested 8661  
veterans' benefits. 8662

**Sec. 3119.07.** All of the following apply to parents under 8663  
a decree allocating parental rights and responsibilities that 8664  
was issued pursuant to section 3109.04 of the Revised Code as 8665  
that section existed prior to the effective date of this 8666  
amendment: 8667

(A) Except when the parents have split parental rights and 8668  
responsibilities, a parent's child support obligation for a 8669  
child for whom the parent is the residential parent and legal 8670  
custodian shall be presumed to be spent on that child and shall 8671  
not become part of a child support order, and a parent's child 8672  
support obligation for a child for whom the parent is not the 8673  
residential parent and legal custodian shall become part of a 8674  
child support order. 8675

(B) If the parents have split parental rights and 8676  
responsibilities, the child support obligations of the parents 8677

shall be offset, and the parent with the larger child support 8678  
obligation shall pay the net amount pursuant to the child 8679  
support order. 8680

(C) If neither parent of a child who is the subject of a 8681  
child support order is the residential parent and legal 8682  
custodian of the child and the child resides with a caretaker, 8683  
each parent shall pay that parent's child support obligation 8684  
pursuant to the child support order. 8685

Sec. 3119.071. All of the following apply to parents under 8686  
an order allocating parenting responsibilities under a parenting 8687  
plan issued on or after the effective date of this section: 8688

(A) Except when the parents have split parenting 8689  
responsibilities, a parent's child support obligation for a 8690  
child for whom the parent is the designated parent and legal 8691  
custodian under a parenting plan that is approved by the court 8692  
and included in an order issued under section 3109.041 of the 8693  
Revised Code shall be presumed to be spent on that child and 8694  
shall not become part of a child support order, and a parent's 8695  
child support obligation for a child for whom the parent is not 8696  
the designated parent and legal custodian shall become part of a 8697  
child support order. 8698

(B) If the parents have split parenting responsibilities, 8699  
the child support obligations of the parents shall be offset, 8700  
and the court shall issue a child support order requiring the 8701  
parent with the larger child support obligation to pay the net 8702  
amount pursuant to the child support order. 8703

(C) If neither parent of a child who is the subject of a 8704  
child support order is the designated parent and legal custodian 8705  
of allocated parenting responsibilities for the child and the 8706



child resides with a third party who is the legal custodian of 8707  
the child, the court shall issue a child support order requiring 8708  
each parent to pay that parent's child support obligation 8709  
pursuant to the child support order. 8710

**Sec. 3119.08.** Whenever a court issues a child support 8711  
order, it shall include in the order specific provisions for 8712  
regular, holiday, vacation, parenting time, and special 8713  
visitation in accordance with section ~~3109.05~~3109.044, 8714  
3109.054, 3109.11, or 3109.12 of the Revised Code or in 8715  
accordance with any other applicable section of the Revised 8716  
Code. 8717

**Sec. 3119.24.** (A) (1) A court that issues a ~~shared-~~ 8718  
~~parenting order in accordance with plan as described under~~ 8719  
~~section 3109.04~~3109.044 of the Revised Code shall order an 8720  
amount of child support to be paid under the child support order 8721  
that is calculated in accordance with the schedule and with the 8722  
worksheet, except that, if that amount would be unjust or 8723  
inappropriate to the children or either parent and therefore not 8724  
in the best interest of the child because of the extraordinary 8725  
circumstances of the parents or because of any other factors or 8726  
criteria set forth in section 3119.23 of the Revised Code, the 8727  
court may deviate from that amount. 8728

(2) The court shall consider extraordinary circumstances 8729  
and other factors or criteria if it deviates from the amount 8730  
described in division (A) (1) of this section and shall enter in 8731  
the journal the amount described in division (A) (1) of this 8732  
section its determination that the amount would be unjust or 8733  
inappropriate and therefore not in the best interest of the 8734  
child, and findings of fact supporting its determination. 8735

(B) For the purposes of this section, "extraordinary 8736

circumstances of the parents" includes all of the following: 8737

(1) The ability of each parent to maintain adequate 8738  
housing for the children; 8739

(2) Each parent's expenses, including child care expenses, 8740  
school tuition, medical expenses, dental expenses, and any other 8741  
expenses the court considers relevant; 8742

(3) Any other circumstances the court considers relevant. 8743

**Sec. 3119.82.** Except when including a revised amount of 8744  
child support in a revised child support order as recommended 8745  
pursuant to section 3119.63 of the Revised Code, whenever a 8746  
court issues, or whenever a court modifies, reviews, or 8747  
otherwise reconsiders a court child support order, or upon the 8748  
request of any party, the court shall designate which parent may 8749  
claim the children who are the subject of the court child 8750  
support order as dependents for federal income tax purposes as 8751  
set forth in section 151 of the "Internal Revenue Code of 1986," 8752  
100 Stat. 2085, 26 U.S.C. 1, as amended. If the parties agree on 8753  
which parent should claim the children as dependents, the court 8754  
shall designate that parent as the parent who may claim the 8755  
children. If the parties do not agree, the court, in its order, 8756  
may permit the parent who is not the ~~residential-designated~~ 8757  
parent and legal custodian to claim the children as dependents 8758  
for federal income tax purposes only if the court determines 8759  
that this furthers the best interest of the children and, with 8760  
respect to orders the court modifies, reviews, or reconsiders, 8761  
the payments for child support are substantially current as 8762  
ordered by the court for the year in which the children will be 8763  
claimed as dependents. In cases in which the parties do not 8764  
agree which parent may claim the children as dependents, the 8765  
court shall consider, in making its determination, any net tax 8766

savings, the relative financial circumstances and needs of the 8767  
parents and children, the amount of time the children spend with 8768  
each parent, the eligibility of either or both parents for the 8769  
federal earned income tax credit or other state or federal tax 8770  
credit, and any other relevant factor concerning the best 8771  
interest of the children. 8772

If the court determines that the parent who is not the 8773  
~~residential-designated~~ parent and legal custodian may claim the 8774  
children as dependents for federal income tax purposes, it shall 8775  
order the ~~residential-designated~~ parent to take whatever action 8776  
is necessary pursuant to section 152 of the "Internal Revenue 8777  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, to 8778  
enable the parent who is not the ~~residential-designated~~ parent 8779  
and legal custodian to claim the children as dependents for 8780  
federal income tax purposes in accordance with the order of the 8781  
court. Any willful failure of the ~~residential-designated~~ parent 8782  
to comply with the order of the court is contempt of court. 8783

**Sec. 3119.87.** The parent who is the ~~residential-designated~~ 8784  
parent and legal custodian of a child for whom a child support 8785  
order is issued or the person who otherwise has custody of a 8786  
child for whom a child support order is issued immediately shall 8787  
notify, and the obligor under a child support order may notify, 8788  
the child support enforcement agency administering the child 8789  
support order of any reason for which the child support order 8790  
should terminate. Nothing in this section shall preclude a 8791  
person from notifying the agency that a reason for which a child 8792  
support order should terminate is imminent. With respect to a 8793  
court child support order, a willful failure to notify the 8794  
agency as required by this division is contempt of court. 8795

**Sec. 3119.964.** (A) If a court grants relief from a 8796

judgment, order, or determination pursuant to section 3119.962 8797  
of the Revised Code and if the person who is relieved or the 8798  
male minor has been granted parenting time ~~rights pursuant to an~~ 8799  
~~order issued under~~ under a parenting plan as described in 8800  
section ~~3109.051-3109.044~~ or 3109.12 of the Revised Code, or if 8801  
any relative of the person or male minor has been granted 8802  
companionship or visitation rights with the child pursuant to an 8803  
order issued under section ~~3109.051-3109.054~~ or 3109.12 of the 8804  
Revised Code, the court shall determine whether the order 8805  
granting those rights should be terminated, modified, or 8806  
continued. 8807

(B) If a court grants relief from a child support order 8808  
pursuant to section 3119.962 of the Revised Code and support 8809  
arrearages are owed, the court may issue an order canceling that 8810  
arrearage. Nothing in this section limits any actions that may 8811  
be taken by the person or male minor granted relief under this 8812  
section to recover support paid under the child support order 8813  
from which relief was granted. 8814

**Sec. 3125.03.** The office of child support shall establish 8815  
and administer a program of child support enforcement that meets 8816  
the requirements of Title IV-D of the "Social Security Act," 88  
Stat. 2351 (1975), 42 U.S.C. 651, as amended, and any rules 8818  
adopted under Title IV-D. The program of child support 8819  
enforcement shall include the location of absent parents, 8820  
establishment of parentage, establishment and modification of 8821  
child support orders and medical support orders, enforcement of 8822  
support orders, collection of support obligations, and any other 8823  
actions appropriate to child support enforcement. 8824

Absent parents shall be located for any purpose under the 8825  
child support enforcement program and for purposes of 8826

establishing and enforcing orders allocating ~~parental rights and~~ 8827  
parenting responsibilities between parents concerning their 8828  
children ~~and establishing and enforcing parenting time orders~~ 8829  
~~concerning the children.~~ 8830

**Sec. 3125.06.** The department of job and family services 8831  
shall enter into an agreement with the secretary of health and 8832  
human services, as authorized by the "Parental Kidnapping 8833  
Prevention Act of 1980," 94 Stat. 3572, 42 U.S.C. 663, as 8834  
amended, under which the services of the parent locator service 8835  
established pursuant to Title IV-D of the "Social Security Act," 8836  
88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, are made 8837  
available to this state for the following purposes: 8838

(A) Determining the whereabouts of any absent parent or 8839  
child in order to enforce a law with respect to the unlawful 8840  
taking or restraint of a child; 8841

(B) Making or enforcing a determination as to the 8842  
allocation, between the parents of a child, of the ~~parental-~~ 8843  
~~rights and parenting~~ responsibilities ~~for the care of a child-~~ 8844  
and the designation of the ~~residential-designated~~ parent and 8845  
legal custodian of a child or otherwise as to the custody of a 8846  
child; 8847

~~(C) Making or enforcing a parenting time order with~~ 8848  
~~respect to a child.~~ 8849

**Sec. 3125.43.** The department of taxation shall not provide 8850  
any information to the office of child support, except as 8851  
provided in this section. For purposes of the establishment of 8852  
paternity, the establishment, modification, or enforcement of 8853  
support orders, and the location of absent parents pursuant to 8854  
child support enforcement activities and activities to establish 8855

and enforce orders allocating parenting ~~rights and~~ 8856  
~~responsibilities and parenting time orders,~~ the office is 8857  
authorized to obtain information concerning the residential 8858  
address and income of taxpayers if that information is contained 8859  
in the state tax records maintained by the department. The 8860  
department shall not provide any information to the office if 8861  
the provision of the information is prohibited by state or 8862  
federal law. 8863

**Sec. 3127.01.** (A) As used in the Revised Code, "uniform 8864  
child custody jurisdiction and enforcement act" means the act 8865  
addressing interstate recognition and enforcement of child 8866  
custody orders adopted in 1997 by the national conference of 8867  
commissioners on uniform state laws or any law substantially 8868  
similar to the act adopted by another state. 8869

(B) As used in sections 3127.01 to 3127.53 of the Revised 8870  
Code: 8871

(1) "Abandoned" means the parents of a child have failed 8872  
to visit or maintain contact with the child for more than ninety 8873  
days, regardless of whether the parents resume contact with the 8874  
child after that ninety-day period. 8875

(2) "Child" means an individual who has not attained 8876  
eighteen years of age. 8877

(3) "Child custody determination" means a judgment, 8878  
decree, or other order of a court that provides for legal 8879  
custody, physical custody, parenting time, or visitation with 8880  
respect to a child. "Child custody determination" includes an 8881  
order that allocates ~~parental rights and parenting~~ 8882  
responsibilities. "Child custody determination" includes 8883  
permanent, temporary, initial, and modification orders. "Child 8884

custody determination" does not include an order or the portion 8885  
of an order relating to child support or other monetary 8886  
obligations of an individual. 8887

(4) "Child custody proceeding" means a proceeding in which 8888  
legal custody, physical custody, parenting time, or visitation 8889  
with respect to a child is an issue. "Child custody proceeding" 8890  
may include a proceeding for divorce, separation, neglect, 8891  
abuse, dependency, guardianship, parentage, termination of 8892  
parental rights, or protection from domestic violence. "Child 8893  
custody proceeding" does not include a proceeding regarding 8894  
juvenile delinquency, contractual emancipation, or enforcement 8895  
pursuant to sections 3127.31 to 3127.47 of the Revised Code. 8896

(5) "Commencement" means the filing of the first pleading 8897  
in a proceeding. 8898

(6) "Court" means an entity authorized under the law of a 8899  
state to establish, enforce, or modify a child custody 8900  
determination. 8901

(7) "Home state" means the state in which a child lived 8902  
with a parent or a person acting as a parent for at least six 8903  
consecutive months immediately preceding the commencement of a 8904  
child custody proceeding and, if a child is less than six months 8905  
old, the state in which the child lived from birth with any of 8906  
them. A period of temporary absence of any of them is counted as 8907  
part of the six-month or other period. 8908

(8) "Initial determination" means the first child custody 8909  
determination concerning a particular child. 8910

(9) "Issuing court" means the court that makes a child 8911  
custody determination for which enforcement is sought under 8912  
sections 3127.01 to 3127.53 of the Revised Code. 8913

- (10) "Issuing state" means the state in which a child custody determination is made. 8914  
8915
- (11) "Modification" means a child custody determination that changes, replaces, supersedes, or is otherwise made after a determination concerning the same child, whether or not it is made by the court that made the previous determination. 8916  
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- (12) "Person" means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity. 8920  
8921  
8922  
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- (13) "Person acting as a parent" means a person, other than the child's parent, who meets both of the following criteria: 8925  
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8927
- (a) The person has physical custody of the child or has had physical custody for a period of six consecutive months, including any temporary absence from the child, within one year immediately before the commencement of a child custody proceeding; and 8928  
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- (b) The person has been awarded legal custody by a court or claims a right to legal custody under the law of this state. 8933  
8934
- (14) "Physical custody" means the physical care and supervision of a child. 8935  
8936
- (15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. 8937  
8938  
8939  
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- (16) "Tribe" means an Indian tribe or Alaskan Native 8941



village that is recognized by federal or state law. 8942

(17) "Warrant" means an order issued by a court 8943  
authorizing law enforcement officers to take physical custody of 8944  
a child. 8945

**Sec. 3127.11.** (A) A court of this state may request the 8946  
appropriate court of another state to do any of the following: 8947

(1) Hold an evidentiary hearing; 8948

(2) Order a person to produce or give evidence pursuant to 8949  
procedures of that state; 8950

(3) Order that an evaluation be made concerning the 8951  
allocation of ~~parental rights and parenting~~ responsibilities ~~for~~ 8952  
~~the care of a child~~ involved in a pending proceeding with 8953  
respect to the designation of a parent as the ~~residential~~ 8954  
designated parent and legal custodian of the child and with 8955  
respect to the custody of the child in any other person; 8956

(4) Forward to the court of this state a certified copy of 8957  
the transcript of the record of the hearing, the evidence 8958  
otherwise presented, and any evaluation prepared in compliance 8959  
with the request; 8960

(5) Order a party to a child custody proceeding or any 8961  
person having physical custody of the child to appear in the 8962  
proceeding with or without the child. 8963

(B) Upon request of a court of another state, a court of 8964  
this state may hold a hearing or enter an order described in 8965  
division (A) of this section. 8966

(C) The court may assess travel and other necessary and 8967  
reasonable expenses incurred under divisions (A) and (B) of this 8968  
section against the parties according to the law of this state. 8969

(D) Upon appropriate request by a court or law enforcement official of another state, a court of this state shall forward a certified copy of the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a child custody proceeding to the court or law enforcement official of the other state.

**Sec. 3127.23.** (A) Each party in a child custody proceeding, in the party's first pleading or in an affidavit attached to that pleading, shall give information if reasonably ascertainable under oath as to the child's present address or whereabouts, 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. In this pleading or affidavit, each party also shall include all of the following information:

(1) Whether the party has participated as a party, a witness, or in any other capacity in any other proceeding concerning the allocation, between the parents of the same child, of ~~parental rights and parenting responsibilities for the care of the child~~ including any designation of parenting time rights and the designation of the ~~residential-designated~~ parent and legal custodian of the child or that otherwise concerned the custody of or visitation with the same child and, if so, the court, case number and the date of the child custody determination, if any;

(2) Whether the party knows of any proceedings that could affect the current proceeding, including proceedings for enforcement of child custody determinations, proceedings relating to domestic violence or protection orders, proceedings to adjudicate the child as an abused, neglected, or dependent

child, proceedings seeking termination of parental rights, and 9000  
adoptions, and, if so, the court, the case number, and the 9001  
nature of the proceeding; 9002

(3) Whether the party knows of any person who is not a 9003  
party to the proceeding and has physical custody of the child or 9004  
claims to be a parent of the child who is designated the 9005  
~~residential-designated~~ parent and legal custodian of the child 9006  
or to have parenting time rights with respect to the child or to 9007  
be a person other than a parent of the child who has custody or 9008  
visitation rights with respect to the child and, if so, the 9009  
names and addresses of those persons. 9010

(B) If the declaration under division (A) (1), (2), or (3) 9011  
of this section is in the affirmative, the declarant shall give 9012  
additional information as required by the court. The court may 9013  
examine the parties under oath as to details of the information 9014  
furnished and as to other matters pertinent to the court's 9015  
jurisdiction and the disposition of the case. 9016

(C) Each party has a continuing duty to inform the court 9017  
of any child custody proceeding concerning the child in this or 9018  
any other state that could affect the current proceeding. 9019

(D) If a party alleges in an affidavit or a pleading under 9020  
oath that the health, safety, or liberty of a party or child 9021  
would be jeopardized by the disclosure of identifying 9022  
information, the information shall be sealed and may not be 9023  
disclosed to the other party or the public unless the court 9024  
orders the disclosure to be made after a hearing in which the 9025  
court takes into consideration the health, safety, and liberty 9026  
of the party or child and determines that the disclosure is in 9027  
the interests of justice. 9028

(E) A public children services agency, acting pursuant to 9029  
a complaint or an action on a complaint filed under section 9030  
2151.27 of the Revised Code, is not subject to the requirements 9031  
of this section. 9032

(F) As used in this section, "abused child" has the same 9033  
meaning as in section 2151.031 of the Revised Code, "neglected 9034  
child" has the same meaning as in section 2151.03 of the Revised 9035  
Code, and "dependent child" has the same meaning as in section 9036  
2151.04 of the Revised Code. 9037

**Sec. 3127.35.** (A) Subject to sections 2101.022 and 2301.03 9038  
of the Revised Code, the clerk of a juvenile court or other 9039  
court with appropriate jurisdiction may register a child custody 9040  
determination issued by a court of another state, with or 9041  
without a simultaneous request for enforcement, on receipt of 9042  
all of the following: 9043

(1) A letter or other document requesting that the child 9044  
custody determination be registered; 9045

(2) Two copies, including one certified copy, of the 9046  
determination sought to be registered, and a statement under 9047  
penalty of perjury that, to the best of the knowledge and belief 9048  
of the person seeking registration, the order has not been 9049  
modified; 9050

(3) Except as otherwise provided in section 3127.23 of the 9051  
Revised Code, the name and address of the person seeking 9052  
registration and any parent who is ~~designated~~ the ~~residential-~~ 9053  
designated parent and legal custodian of the child or to have 9054  
parenting time with respect to the child or any person acting as 9055  
a parent who has been awarded custody or visitation in the child 9056  
custody determination sought to be registered; 9057

(4) An advance deposit or fee established by the court.	9058
(B) On receipt of the documents and information required	9059
by division (A) of this section, the registering court shall do	9060
both of the following:	9061
(1) Cause the child custody determination to be filed as a	9062
foreign judgment together with one copy of any accompanying	9063
documents and information, regardless of their form;	9064
(2) Serve notice of the registration request on the	9065
persons named pursuant to division (A) (3) of this section, and	9066
provide them with an opportunity to contest the registration in	9067
accordance with this section.	9068
(C) The notice required by division (B) (2) of this section	9069
shall state all of the following:	9070
(1) That the registered child custody determination is	9071
enforceable as of the date of the registration in the same	9072
manner as a child custody determination issued by a court of	9073
this state;	9074
(2) That a hearing to contest the validity of the	9075
registered determination must be requested within thirty days	9076
after service of notice;	9077
(3) That failure to contest the registration shall result	9078
in confirmation of the child custody determination and preclude	9079
further contest of that determination with respect to any matter	9080
that could have been asserted.	9081
(D) A person seeking to contest the validity of a	9082
registered order shall request a hearing within thirty days	9083
after service of the notice. At that hearing, the court shall	9084
confirm the registered order unless the person contesting	9085

registration establishes one of the following circumstances: 9086

(1) The issuing court did not have jurisdiction under 9087  
sections 3127.15 to 3127.24 of the Revised Code or a similar 9088  
statute of another state. 9089

(2) The child custody determination sought to be 9090  
registered has been vacated, stayed, or modified by a court 9091  
having jurisdiction to do so under sections 3127.15 to 3127.24 9092  
of the Revised Code or a similar statute of another state. 9093

(3) The person contesting registration was entitled to 9094  
notice of the child custody proceeding for which registration is 9095  
sought, but notice was not given in accordance with the 9096  
standards of section 3127.07 of the Revised Code or a similar 9097  
statute of another state. 9098

(E) If a timely request for a hearing to contest the 9099  
validity of the registration is not made, the registration is 9100  
confirmed as a matter of law and the person requesting 9101  
registration and all persons served in accordance with division 9102  
(B) (2) of this section must be notified of the confirmation. 9103

(F) Confirmation of a registered child custody 9104  
determination, whether by operation of law or after notice and 9105  
hearing, precludes further contest of the determination with 9106  
respect to any matter that could have been asserted at the time 9107  
of registration. 9108

**Sec. 3310.51.** As used in sections 3310.51 to 3310.64 of 9109  
the Revised Code: 9110

(A) "Alternative public provider" means either of the 9111  
following providers that agrees to enroll a child in the 9112  
provider's special education program to implement the child's 9113  
individualized education program and to which the eligible 9114

applicant owes fees for the services provided to the child: 9115

(1) A school district that is not the school district in 9116  
which the child is entitled to attend school or the child's 9117  
school district of residence, if different; 9118

(2) A public entity other than a school district. 9119

(B) "Child with a disability" and "individualized 9120  
education program" have the same meanings as in section 3323.01 9121  
of the Revised Code. 9122

(C) "Eligible applicant" means any of the following: 9123

(1) Either of the natural or adoptive parents of a 9124  
qualified special education child, except as otherwise specified 9125  
in this division. When the marriage of the natural or adoptive 9126  
parents of the student has been terminated by a divorce, 9127  
dissolution of marriage, or annulment, or when the natural or 9128  
adoptive parents of the student are living separate and apart 9129  
under a legal separation decree, and a court has issued an order 9130  
allocating ~~the parental rights and parenting responsibilities~~ 9131  
~~with respect to the child~~, "eligible applicant" means the 9132  
~~residential designated parent as designated by the court and~~ 9133  
~~legal custodian~~. If the court ~~issues~~ issued a shared parenting 9134  
decree prior to the effective date of this amendment or approves 9135  
a shared parenting plan under section 3109.041 of the Revised 9136  
Code, "eligible applicant" means either parent. "Eligible 9137  
applicant" does not mean a parent whose custodial rights have 9138  
been terminated. 9139

(2) The legal custodian of a qualified special education 9140  
child, when a court has granted temporary, legal, or permanent 9141  
custody of the child to an individual other than either of the 9142  
natural or adoptive parents of the child or to a government 9143

agency;	9144
(3) The guardian of a qualified special education child,	9145
when a court has appointed a guardian for the child;	9146
(4) The grandparent of a qualified special education	9147
child, when the grandparent is the child's attorney in fact	9148
under a power of attorney executed under sections 3109.51 to	9149
3109.62 of the Revised Code or when the grandparent has executed	9150
a caretaker authorization affidavit under sections 3109.65 to	9151
3109.73 of the Revised Code;	9152
(5) The surrogate parent appointed for a qualified special	9153
education child pursuant to division (B) of section 3323.05 and	9154
section 3323.051 of the Revised Code;	9155
(6) A qualified special education child, if the child does	9156
not have a <u>legal</u> custodian or guardian and the child is at least	9157
eighteen years of age.	9158
(D) "Entitled to attend school" means entitled to attend	9159
school in a school district under sections 3313.64 and 3313.65	9160
of the Revised Code.	9161
(E) "Formula ADM" has the same meaning as in section	9162
3317.02 of the Revised Code.	9163
(F) "Qualified special education child" is a child for	9164
whom all of the following conditions apply:	9165
(1) The child is at least five years of age and less than	9166
twenty-two years of age.	9167
(2) The school district in which the child is entitled to	9168
attend school, or the child's school district of residence if	9169
different, has identified the child as a child with a	9170
disability.	9171



(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(4) The child either:

(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from kindergarten through twelve in the school year prior to the school year in which a scholarship is first sought for the child;

(b) Is eligible to enter school in any grade kindergarten through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship is first sought for the child.

(5) The department of education and workforce has not approved a scholarship for the child under the educational choice scholarship pilot program, under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program, under section 3310.41 of the Revised Code, or the pilot project scholarship program, under sections 3313.974 to 3313.979 of the Revised Code for the same school year in which a scholarship under the Jon Peterson special needs scholarship program is sought.

(6) The child and the child's parents are in compliance with the state compulsory attendance law under Chapter 3321. of the Revised Code.

(G) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of

the Revised Code prior to ~~the effective date of this amendment~~ 9201  
October 3, 2023, or the department of education and workforce on 9202  
or after that date. 9203

(H) "Scholarship" means a scholarship awarded under the 9204  
Jon Peterson special needs scholarship program pursuant to 9205  
sections 3310.51 to 3310.64 of the Revised Code. 9206

(I) "School district of residence" has the same meaning as 9207  
in section 3323.01 of the Revised Code. A community school 9208  
established under Chapter 3314. of the Revised Code is not a 9209  
"school district of residence" for purposes of sections 3310.51 9210  
to 3310.64 of the Revised Code. 9211

(J) "School year" has the same meaning as in section 9212  
3313.62 of the Revised Code. 9213

(K) "Special education program" means a school or facility 9214  
that provides special education and related services to children 9215  
with disabilities. 9216

**Sec. 3313.205.** Subject to section 3321.141 of the Revised 9217  
Code, the board of education of each school district shall adopt 9218  
a written policy with respect to the notification of a student's 9219  
parents, parent who is the ~~residential-designated~~ parent and 9220  
legal custodian, guardian, or legal custodian or any other 9221  
person responsible for the student within a reasonable time 9222  
after the determination that the student is absent from school. 9223  
The student's parents, parent who is the ~~residential-designated~~ 9224  
parent and legal custodian, guardian, or legal custodian or any 9225  
other person responsible for the student shall provide the 9226  
school that the student attends a current address and a 9227  
telephone number at which the student's parents, parent who is 9228  
the ~~residential-designated~~ parent and legal custodian, guardian, 9229

or legal custodian or any other person that is responsible for 9230  
the student can receive notice that the student is absent from 9231  
school. 9232

**Sec. 3313.64.** (A) As used in this section and in section 9233  
3313.65 of the Revised Code: 9234

(1) (a) Except as provided in division (A) (1) (b) of this 9235  
section, "parent" means either parent, unless the parents are 9236  
separated or divorced or their marriage has been dissolved or 9237  
annulled, in which case "parent" means the parent or legal 9238  
custodian who is the ~~residential-designated~~ parent and legal 9239  
custodian of the child. When a child is in the legal custody of 9240  
a government agency or a person other than the child's natural 9241  
or adoptive parent, "parent" means the parent with residual 9242  
parental rights, privileges, and responsibilities. When a child 9243  
is in the permanent custody of a government agency or a person 9244  
other than the child's natural or adoptive parent, "parent" 9245  
means the parent who was divested of parental rights and 9246  
responsibilities for the care of the child and the right to have 9247  
the child live with the parent and be the legal custodian of the 9248  
child and all residual parental rights, privileges, and 9249  
responsibilities. 9250

(b) When a child is the subject of a power of attorney 9251  
executed under sections 3109.51 to 3109.62 of the Revised Code, 9252  
"parent" means the grandparent designated as attorney in fact 9253  
under the power of attorney. When a child is the subject of a 9254  
caretaker authorization affidavit executed under sections 9255  
3109.64 to 3109.73 of the Revised Code, "parent" means the 9256  
grandparent that executed the affidavit. 9257

(2) "Legal custody," "permanent custody," and "residual 9258  
parental rights, privileges, and responsibilities" have the same 9259

meanings as in section 2151.011 of the Revised Code. 9260

(3) "School district" or "district" means a city, local, 9261  
or exempted village school district and excludes any school 9262  
operated in an institution maintained by the department of youth 9263  
services. 9264

(4) Except as used in division (C)(2) of this section, 9265  
"home" means a home, institution, foster home, group home, or 9266  
other residential facility in this state that receives and cares 9267  
for children, to which any of the following applies: 9268

(a) The home is licensed, certified, or approved for such 9269  
purpose by the state or is maintained by the department of youth 9270  
services. 9271

(b) The home is operated by a person who is licensed, 9272  
certified, or approved by the state to operate the home for such 9273  
purpose. 9274

(c) The home accepted the child through a placement by a 9275  
person licensed, certified, or approved to place a child in such 9276  
a home by the state. 9277

(d) The home is a children's home created under section 9278  
5153.21 or 5153.36 of the Revised Code. 9279

(5) "Agency" means all of the following: 9280

(a) A public children services agency; 9281

(b) An organization that holds a certificate issued by the 9282  
department of children and youth in accordance with the 9283  
requirements of section 5103.03 of the Revised Code and assumes 9284  
temporary or permanent custody of children through commitment, 9285  
agreement, or surrender, and places children in family homes for 9286  
the purpose of adoption; 9287

(c) Comparable agencies of other states or countries that	9288
have complied with applicable requirements of section 2151.39 of	9289
the Revised Code or as applicable, sections 5103.20 to 5103.22	9290
or 5103.23 to 5103.237 of the Revised Code.	9291
(6) A child is placed for adoption if either of the	9292
following occurs:	9293
(a) An agency to which the child has been permanently	9294
committed or surrendered enters into an agreement with a person	9295
pursuant to section 5103.16 of the Revised Code for the care and	9296
adoption of the child.	9297
(b) The child's natural parent places the child pursuant	9298
to section 5103.16 of the Revised Code with a person who will	9299
care for and adopt the child.	9300
(7) "Preschool child with a disability" has the same	9301
meaning as in section 3323.01 of the Revised Code.	9302
(8) "Child," unless otherwise indicated, includes	9303
preschool children with disabilities.	9304
(9) "Active duty" means active duty pursuant to an	9305
executive order of the president of the United States, an act of	9306
the congress of the United States, or section 5919.29 or 5923.21	9307
of the Revised Code.	9308
(B) Except as otherwise provided in section 3321.01 of the	9309
Revised Code for admittance to kindergarten and first grade, a	9310
child who is at least five but under twenty-two years of age and	9311
any preschool child with a disability shall be admitted to	9312
school as provided in this division.	9313
(1) A child shall be admitted to the schools of the school	9314
district in which the child's parent resides.	9315

(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B) (2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B) (1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B) (1) or (3) of this section. If the district admits a child under division (B) (2) of this section, tuition shall be paid to the district that admits the child as

provided in divisions (C) (1) to (3) of this section, unless 9344  
division (C) (4) of this section applies to the child: 9345

(1) If the child receives special education in accordance 9346  
with Chapter 3323. of the Revised Code, the school district of 9347  
residence, as defined in section 3323.01 of the Revised Code, 9348  
shall pay tuition for the child in accordance with section 9349  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 9350  
regardless of who has custody of the child or whether the child 9351  
resides in a home. 9352

(2) For a child that does not receive special education in 9353  
accordance with Chapter 3323. of the Revised Code, except as 9354  
otherwise provided in division (C) (2) (d) of this section, if the 9355  
child is in the permanent or legal custody of a government 9356  
agency or person other than the child's parent, tuition shall be 9357  
paid by: 9358

(a) The district in which the child's parent resided at 9359  
the time the court removed the child from home or at the time 9360  
the court vested legal or permanent custody of the child in the 9361  
person or government agency, whichever occurred first; 9362

(b) If the parent's residence at the time the court 9363  
removed the child from home or placed the child in the legal or 9364  
permanent custody of the person or government agency is unknown, 9365  
tuition shall be paid by the district in which the child resided 9366  
at the time the child was removed from home or placed in legal 9367  
or permanent custody, whichever occurred first; 9368

(c) If a school district cannot be established under 9369  
division (C) (2) (a) or (b) of this section, tuition shall be paid 9370  
by the district determined as required by section 2151.362 of 9371  
the Revised Code by the court at the time it vests custody of 9372

the child in the person or government agency; 9373

(d) If at the time the court removed the child from home 9374  
or vested legal or permanent custody of the child in the person 9375  
or government agency, whichever occurred first, one parent was 9376  
in a residential or correctional facility or a juvenile 9377  
residential placement and the other parent, if living and not in 9378  
such a facility or placement, was not known to reside in this 9379  
state, tuition shall be paid by the district determined under 9380  
division (D) of section 3313.65 of the Revised Code as the 9381  
district required to pay any tuition while the parent was in 9382  
such facility or placement; 9383

(e) If the department of education and workforce has 9384  
determined, pursuant to division (A)(2) of section 2151.362 of 9385  
the Revised Code, that a school district other than the one 9386  
named in the court's initial order, or in a prior determination 9387  
of the department, is responsible to bear the cost of educating 9388  
the child, the district so determined shall be responsible for 9389  
that cost. 9390

(3) If the child is not in the permanent or legal custody 9391  
of a government agency or person other than the child's parent 9392  
and the child resides in a home, tuition shall be paid by one of 9393  
the following: 9394

(a) The school district in which the child's parent 9395  
resides; 9396

(b) If the child's parent is not a resident of this state, 9397  
the home in which the child resides. 9398

(4) Division (C)(4) of this section applies to any child 9399  
who is admitted to a school district under division (B)(2) of 9400  
this section, resides in a home that is not a foster home, a 9401



home maintained by the department of youth services, a detention 9402  
facility established under section 2152.41 of the Revised Code, 9403  
or a juvenile facility established under section 2151.65 of the 9404  
Revised Code, and receives educational services at the home or 9405  
facility in which the child resides pursuant to a contract 9406  
between the home or facility and the school district providing 9407  
those services. 9408

If a child to whom division (C) (4) of this section applies 9409  
is a special education student, a district may choose whether to 9410  
receive a tuition payment for that child under division (C) (4) 9411  
of this section or to receive a payment for that child under 9412  
section 3323.14 of the Revised Code. If a district chooses to 9413  
receive a payment for that child under section 3323.14 of the 9414  
Revised Code, it shall not receive a tuition payment for that 9415  
child under division (C) (4) of this section. 9416

If a child to whom division (C) (4) of this section applies 9417  
is not a special education student, a district shall receive a 9418  
tuition payment for that child under division (C) (4) of this 9419  
section. 9420

In the case of a child to which division (C) (4) of this 9421  
section applies, the total educational cost to be paid for the 9422  
child shall be determined by a formula approved by the 9423  
department of education and workforce, which formula shall be 9424  
designed to calculate a per diem cost for the educational 9425  
services provided to the child for each day the child is served 9426  
and shall reflect the total actual cost incurred in providing 9427  
those services. The department shall certify the total 9428  
educational cost to be paid for the child to both the school 9429  
district providing the educational services and, if different, 9430  
the school district that is responsible to pay tuition for the 9431

child. The department shall deduct the certified amount from the 9432  
state basic aid funds payable under Chapter 3317. of the Revised 9433  
Code to the district responsible to pay tuition and shall pay 9434  
that amount to the district providing the educational services 9435  
to the child. 9436

(D) Tuition required to be paid under divisions (C) (2) and 9437  
(3) (a) of this section shall be computed in accordance with 9438  
section 3317.08 of the Revised Code. Tuition required to be paid 9439  
under division (C) (3) (b) of this section shall be computed in 9440  
accordance with section 3317.081 of the Revised Code. If a home 9441  
fails to pay the tuition required by division (C) (3) (b) of this 9442  
section, the board of education providing the education may 9443  
recover in a civil action the tuition and the expenses incurred 9444  
in prosecuting the action, including court costs and reasonable 9445  
attorney's fees. If the prosecuting attorney or city director of 9446  
law represents the board in such action, costs and reasonable 9447  
attorney's fees awarded by the court, based upon the prosecuting 9448  
attorney's, director's, or one of their designee's time spent 9449  
preparing and presenting the case, shall be deposited in the 9450  
county or city general fund. 9451

(E) A board of education may enroll a child free of any 9452  
tuition obligation for a period not to exceed sixty days, on the 9453  
sworn statement of an adult resident of the district that the 9454  
resident has initiated legal proceedings for custody of the 9455  
child. 9456

(F) In the case of any individual entitled to attend 9457  
school under this division, no tuition shall be charged by the 9458  
school district of attendance and no other school district shall 9459  
be required to pay tuition for the individual's attendance. 9460  
Notwithstanding division (B), (C), or (E) of this section: 9461

(1) All persons at least eighteen but under twenty-two 9462  
years of age who live apart from their parents, support 9463  
themselves by their own labor, and have not successfully 9464  
completed the high school curriculum or the individualized 9465  
education program developed for the person by the high school 9466  
pursuant to section 3323.08 of the Revised Code, are entitled to 9467  
attend school in the district in which they reside. 9468

(2) Any child under eighteen years of age who is married 9469  
is entitled to attend school in the child's district of 9470  
residence. 9471

(3) A child is entitled to attend school in the district 9472  
in which either of the child's parents is employed if the child 9473  
has a medical condition that may require emergency medical 9474  
attention. The parent of a child entitled to attend school under 9475  
division (F)(3) of this section shall submit to the board of 9476  
education of the district in which the parent is employed a 9477  
statement from the child's physician certifying that the child's 9478  
medical condition may require emergency medical attention. The 9479  
statement shall be supported by such other evidence as the board 9480  
may require. 9481

(4) Any child residing with a person other than the 9482  
child's parent is entitled, for a period not to exceed twelve 9483  
months, to attend school in the district in which that person 9484  
resides if the child's parent files an affidavit with the 9485  
superintendent of the district in which the person with whom the 9486  
child is living resides stating all of the following: 9487

(a) That the parent is serving outside of the state in the 9488  
armed services of the United States; 9489

(b) That the parent intends to reside in the district upon 9490

returning to this state; 9491

(c) The name and address of the person with whom the child 9492  
is living while the parent is outside the state. 9493

(5) Any child under the age of twenty-two years who, after 9494  
the death of a parent, resides in a school district other than 9495  
the district in which the child attended school at the time of 9496  
the parent's death is entitled to continue to attend school in 9497  
the district in which the child attended school at the time of 9498  
the parent's death for the remainder of the school year, subject 9499  
to approval of that district board. 9500

(6) A child under the age of twenty-two years who resides 9501  
with a parent who is having a new house built in a school 9502  
district outside the district where the parent is residing is 9503  
entitled to attend school for a period of time in the district 9504  
where the new house is being built. In order to be entitled to 9505  
such attendance, the parent shall provide the district 9506  
superintendent with the following: 9507

(a) A sworn statement explaining the situation, revealing 9508  
the location of the house being built, and stating the parent's 9509  
intention to reside there upon its completion; 9510

(b) A statement from the builder confirming that a new 9511  
house is being built for the parent and that the house is at the 9512  
location indicated in the parent's statement. 9513

(7) A child under the age of twenty-two years residing 9514  
with a parent who has a contract to purchase a house in a school 9515  
district outside the district where the parent is residing and 9516  
who is waiting upon the date of closing of the mortgage loan for 9517  
the purchase of such house is entitled to attend school for a 9518  
period of time in the district where the house is being 9519

purchased. In order to be entitled to such attendance, the 9520  
parent shall provide the district superintendent with the 9521  
following: 9522

(a) A sworn statement explaining the situation, revealing 9523  
the location of the house being purchased, and stating the 9524  
parent's intent to reside there; 9525

(b) A statement from a real estate broker or bank officer 9526  
confirming that the parent has a contract to purchase the house, 9527  
that the parent is waiting upon the date of closing of the 9528  
mortgage loan, and that the house is at the location indicated 9529  
in the parent's statement. 9530

The district superintendent shall establish a period of 9531  
time not to exceed ninety days during which the child entitled 9532  
to attend school under division (F) (6) or (7) of this section 9533  
may attend without tuition obligation. A student attending a 9534  
school under division (F) (6) or (7) of this section shall be 9535  
eligible to participate in interscholastic athletics under the 9536  
auspices of that school, provided the board of education of the 9537  
school district where the student's parent resides, by a formal 9538  
action, releases the student to participate in interscholastic 9539  
athletics at the school where the student is attending, and 9540  
provided the student receives any authorization required by a 9541  
public agency or private organization of which the school 9542  
district is a member exercising authority over interscholastic 9543  
sports. 9544

(8) A child whose parent is a full-time employee of a 9545  
city, local, or exempted village school district, or of an 9546  
educational service center, may be admitted to the schools of 9547  
the district where the child's parent is employed, or in the 9548  
case of a child whose parent is employed by an educational 9549

service center, in the district that serves the location where 9550  
the parent's job is primarily located, provided the district 9551  
board of education establishes such an admission policy by 9552  
resolution adopted by a majority of its members. Any such policy 9553  
shall take effect on the first day of the school year and the 9554  
effective date of any amendment or repeal may not be prior to 9555  
the first day of the subsequent school year. The policy shall be 9556  
uniformly applied to all such children and shall provide for the 9557  
admission of any such child upon request of the parent. No child 9558  
may be admitted under this policy after the first day of classes 9559  
of any school year. 9560

(9) A child who is with the child's parent under the care 9561  
of a shelter for victims of domestic violence, as defined in 9562  
section 3113.33 of the Revised Code, is entitled to attend 9563  
school free in the district in which the child is with the 9564  
child's parent, and no other school district shall be required 9565  
to pay tuition for the child's attendance in that school 9566  
district. 9567

The enrollment of a child in a school district under this 9568  
division shall not be denied due to a delay in the school 9569  
district's receipt of any records required under section 9570  
3313.672 of the Revised Code or any other records required for 9571  
enrollment. Any days of attendance and any credits earned by a 9572  
child while enrolled in a school district under this division 9573  
shall be transferred to and accepted by any school district in 9574  
which the child subsequently enrolls. The department of 9575  
education and workforce shall adopt rules to ensure compliance 9576  
with this division. 9577

(10) Any child under the age of twenty-two years whose 9578  
parent has moved out of the school district after the 9579

commencement of classes in the child's senior year of high 9580  
school is entitled, subject to the approval of that district 9581  
board, to attend school in the district in which the child 9582  
attended school at the time of the parental move for the 9583  
remainder of the school year and for one additional semester or 9584  
equivalent term. A district board may also adopt a policy 9585  
specifying extenuating circumstances under which a student may 9586  
continue to attend school under division (F)(10) of this section 9587  
for an additional period of time in order to successfully 9588  
complete the high school curriculum for the individualized 9589  
education program developed for the student by the high school 9590  
pursuant to section 3323.08 of the Revised Code. 9591

(11) As used in this division, "grandparent" means a 9592  
parent of a parent of a child. A child under the age of twenty- 9593  
two years who is in the custody of the child's parent, resides 9594  
with a grandparent, and does not require special education is 9595  
entitled to attend the schools of the district in which the 9596  
child's grandparent resides, provided that, prior to such 9597  
attendance in any school year, the board of education of the 9598  
school district in which the child's grandparent resides and the 9599  
board of education of the school district in which the child's 9600  
parent resides enter into a written agreement specifying that 9601  
good cause exists for such attendance, describing the nature of 9602  
this good cause, and consenting to such attendance. 9603

In lieu of a consent form signed by a parent, a board of 9604  
education may request the grandparent of a child attending 9605  
school in the district in which the grandparent resides pursuant 9606  
to division (F)(11) of this section to complete any consent form 9607  
required by the district, including any authorization required 9608  
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 9609  
Revised Code. Upon request, the grandparent shall complete any 9610

consent form required by the district. A school district shall 9611  
not incur any liability solely because of its receipt of a 9612  
consent form from a grandparent in lieu of a parent. 9613

Division (F) (11) of this section does not create, and 9614  
shall not be construed as creating, a new cause of action or 9615  
substantive legal right against a school district, a member of a 9616  
board of education, or an employee of a school district. This 9617  
section does not affect, and shall not be construed as 9618  
affecting, any immunities from defenses to tort liability 9619  
created or recognized by Chapter 2744. of the Revised Code for a 9620  
school district, member, or employee. 9621

(12) A child under the age of twenty-two years is entitled 9622  
to attend school in a school district other than the district in 9623  
which the child is entitled to attend school under division (B), 9624  
(C), or (E) of this section provided that, prior to such 9625  
attendance in any school year, both of the following occur: 9626

(a) The superintendent of the district in which the child 9627  
is entitled to attend school under division (B), (C), or (E) of 9628  
this section contacts the superintendent of another district for 9629  
purposes of this division; 9630

(b) The superintendents of both districts enter into a 9631  
written agreement that consents to the attendance and specifies 9632  
that the purpose of such attendance is to protect the student's 9633  
physical or mental well-being or to deal with other extenuating 9634  
circumstances deemed appropriate by the superintendents. 9635

While an agreement is in effect under this division for a 9636  
student who is not receiving special education under Chapter 9637  
3323. of the Revised Code and notwithstanding Chapter 3327. of 9638  
the Revised Code, the board of education of neither school 9639



district involved in the agreement is required to provide 9640  
transportation for the student to and from the school where the 9641  
student attends. 9642

A student attending a school of a district pursuant to 9643  
this division shall be allowed to participate in all student 9644  
activities, including interscholastic athletics, at the school 9645  
where the student is attending on the same basis as any student 9646  
who has always attended the schools of that district while of 9647  
compulsory school age. 9648

(13) All school districts shall comply with the "McKinney- 9649  
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 9650  
the education of homeless children. Each city, local, and 9651  
exempted village school district shall comply with the 9652  
requirements of that act governing the provision of a free, 9653  
appropriate public education, including public preschool, to 9654  
each homeless child. 9655

When a child loses permanent housing and becomes a 9656  
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 9657  
child who is such a homeless person changes temporary living 9658  
arrangements, the child's parent or guardian shall have the 9659  
option of enrolling the child in either of the following: 9660

(a) The child's school of origin, as defined in 42 9661  
U.S.C.A. 11432(g) (3) (C); 9662

(b) The school that is operated by the school district in 9663  
which the shelter where the child currently resides is located 9664  
and that serves the geographic area in which the shelter is 9665  
located. 9666

(14) A child under the age of twenty-two years who resides 9667  
with a person other than the child's parent is entitled to 9668

attend school in the school district in which that person 9669  
resides if both of the following apply: 9670

(a) That person has been appointed, through a military 9671  
power of attorney executed under section 574(a) of the "National 9672  
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 9673  
(1993), 10 U.S.C. 1044b, or through a comparable document 9674  
necessary to complete a family care plan, as the parent's agent 9675  
for the care, custody, and control of the child while the parent 9676  
is on active duty as a member of the national guard or a reserve 9677  
unit of the armed forces of the United States or because the 9678  
parent is a member of the armed forces of the United States and 9679  
is on a duty assignment away from the parent's residence. 9680

(b) The military power of attorney or comparable document 9681  
includes at least the authority to enroll the child in school. 9682

The entitlement to attend school in the district in which 9683  
the parent's agent under the military power of attorney or 9684  
comparable document resides applies until the end of the school 9685  
year in which the military power of attorney or comparable 9686  
document expires. 9687

(G) A board of education, after approving admission, may 9688  
waive tuition for students who will temporarily reside in the 9689  
district and who are either of the following: 9690

(1) Residents or domiciliaries of a foreign nation who 9691  
request admission as foreign exchange students; 9692

(2) Residents or domiciliaries of the United States but 9693  
not of Ohio who request admission as participants in an exchange 9694  
program operated by a student exchange organization. 9695

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 9696  
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 9697

attend school or participate in a special education program in a 9698  
school district other than in the district where the child is 9699  
entitled to attend school under division (B) of this section. 9700

(I) (1) Notwithstanding anything to the contrary in this 9701  
section or section 3313.65 of the Revised Code, a child under 9702  
twenty-two years of age may attend school in the school district 9703  
in which the child, at the end of the first full week of October 9704  
of the school year, was entitled to attend school as otherwise 9705  
provided under this section or section 3313.65 of the Revised 9706  
Code, if at that time the child was enrolled in the schools of 9707  
the district but since that time the child or the child's parent 9708  
has relocated to a new address located outside of that school 9709  
district and within the same county as the child's or parent's 9710  
address immediately prior to the relocation. The child may 9711  
continue to attend school in the district, and at the school to 9712  
which the child was assigned at the end of the first full week 9713  
of October of the current school year, for the balance of the 9714  
school year. Division (I) (1) of this section applies only if 9715  
both of the following conditions are satisfied: 9716

(a) The board of education of the school district in which 9717  
the child was entitled to attend school at the end of the first 9718  
full week in October and of the district to which the child or 9719  
child's parent has relocated each has adopted a policy to enroll 9720  
children described in division (I) (1) of this section. 9721

(b) The child's parent provides written notification of 9722  
the relocation outside of the school district to the 9723  
superintendent of each of the two school districts. 9724

(2) At the beginning of the school year following the 9725  
school year in which the child or the child's parent relocated 9726  
outside of the school district as described in division (I) (1) 9727

of this section, the child is not entitled to attend school in 9728  
the school district under that division. 9729

(3) Any person or entity owing tuition to the school 9730  
district on behalf of the child at the end of the first full 9731  
week in October, as provided in division (C) of this section, 9732  
shall continue to owe such tuition to the district for the 9733  
child's attendance under division (I)(1) of this section for the 9734  
lesser of the balance of the school year or the balance of the 9735  
time that the child attends school in the district under 9736  
division (I)(1) of this section. 9737

(4) A pupil who may attend school in the district under 9738  
division (I)(1) of this section shall be entitled to 9739  
transportation services pursuant to an agreement between the 9740  
district and the district in which the child or child's parent 9741  
has relocated unless the districts have not entered into such 9742  
agreement, in which case the child shall be entitled to 9743  
transportation services in the same manner as a pupil attending 9744  
school in the district under interdistrict open enrollment as 9745  
described in division (E) of section 3313.981 of the Revised 9746  
Code, regardless of whether the district has adopted an open 9747  
enrollment policy as described in division (B)(1)(b) or (c) of 9748  
section 3313.98 of the Revised Code. 9749

(J) This division does not apply to a child receiving 9750  
special education. 9751

A school district required to pay tuition pursuant to 9752  
division (C)(2) or (3) of this section or section 3313.65 of the 9753  
Revised Code shall have an amount deducted under division (C) of 9754  
section 3317.023 of the Revised Code equal to its own tuition 9755  
rate for the same period of attendance. A school district 9756  
entitled to receive tuition pursuant to division (C)(2) or (3) 9757

of this section or section 3313.65 of the Revised Code shall 9758  
have an amount credited under division (C) of section 3317.023 9759  
of the Revised Code equal to its own tuition rate for the same 9760  
period of attendance. If the tuition rate credited to the 9761  
district of attendance exceeds the rate deducted from the 9762  
district required to pay tuition, the department of education 9763  
and workforce shall pay the district of attendance the 9764  
difference from amounts deducted from all districts' payments 9765  
under division (C) of section 3317.023 of the Revised Code but 9766  
not credited to other school districts under such division and 9767  
from appropriations made for such purpose. The treasurer of each 9768  
school district shall, by the fifteenth day of January and July, 9769  
furnish the director of education and workforce a report of the 9770  
names of each child who attended the district's schools under 9771  
divisions (C) (2) and (3) of this section or section 3313.65 of 9772  
the Revised Code during the preceding six calendar months, the 9773  
duration of the attendance of those children, the school 9774  
district responsible for tuition on behalf of the child, and any 9775  
other information that the director requires. 9776

Upon receipt of the report the director, pursuant to 9777  
division (C) of section 3317.023 of the Revised Code, shall 9778  
deduct each district's tuition obligations under divisions (C) 9779  
(2) and (3) of this section or section 3313.65 of the Revised 9780  
Code and pay to the district of attendance that amount plus any 9781  
amount required to be paid by the state. 9782

(K) In the event of a disagreement, the director of 9783  
education and workforce shall determine the school district in 9784  
which the parent resides. 9785

(L) Nothing in this section requires or authorizes, or 9786  
shall be construed to require or authorize, the admission to a 9787

public school in this state of a pupil who has been permanently 9788  
excluded from public school attendance by the director pursuant 9789  
to sections 3301.121 and 3313.662 of the Revised Code. 9790

(M) In accordance with division (B)(1) of this section, a 9791  
child whose parent is a member of the national guard or a 9792  
reserve unit of the armed forces of the United States and is 9793  
called to active duty, or a child whose parent is a member of 9794  
the armed forces of the United States and is ordered to a 9795  
temporary duty assignment outside of the district, may continue 9796  
to attend school in the district in which the child's parent 9797  
lived before being called to active duty or ordered to a 9798  
temporary duty assignment outside of the district, as long as 9799  
the child's parent continues to be a resident of that district, 9800  
and regardless of where the child lives as a result of the 9801  
parent's active duty status or temporary duty assignment. 9802  
However, the district is not responsible for providing 9803  
transportation for the child if the child lives outside of the 9804  
district as a result of the parent's active duty status or 9805  
temporary duty assignment. 9806

**Sec. 3313.666.** (A) As used in this section: 9807

(1) "Electronic act" means an act committed through the 9808  
use of a cellular telephone, computer, pager, personal 9809  
communication device, or other electronic communication device. 9810

(2) "Harassment, intimidation, or bullying" means either 9811  
of the following: 9812

(a) Any intentional written, verbal, electronic, or 9813  
physical act that a student has exhibited toward another 9814  
particular student more than once and the behavior both: 9815

(i) Causes mental or physical harm to the other student; 9816

(ii) Is sufficiently severe, persistent, or pervasive that 9817  
it creates an intimidating, threatening, or abusive educational 9818  
environment for the other student. 9819

(b) Violence within a dating relationship. 9820

(B) The board of education of each city, local, exempted 9821  
village, and joint vocational school district shall establish a 9822  
policy prohibiting harassment, intimidation, or bullying. The 9823  
policy shall be developed in consultation with parents, school 9824  
employees, school volunteers, students, and community members. 9825  
The policy shall include the following: 9826

(1) A statement prohibiting harassment, intimidation, or 9827  
bullying of any student on school property, on a school bus, or 9828  
at school-sponsored events and expressly providing for the 9829  
possibility of suspension of a student found responsible for 9830  
harassment, intimidation, or bullying by an electronic act; 9831

(2) A definition of harassment, intimidation, or bullying 9832  
that includes the definition in division (A) of this section; 9833

(3) A procedure for reporting prohibited incidents; 9834

(4) A requirement that school personnel report prohibited 9835  
incidents of which they are aware to the school principal or 9836  
other administrator designated by the principal; 9837

(5) A requirement that the ~~custodial parents, designated~~ 9838  
parent and legal custodian, or guardian of any student involved 9839  
in a prohibited incident be notified and, to the extent 9840  
permitted by section 3319.321 of the Revised Code and the 9841  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 9842  
571, 20 U.S.C. 1232g, as amended, have access to any written 9843  
reports pertaining to the prohibited incident; 9844

(6) A procedure for documenting any prohibited incident	9845
that is reported;	9846
(7) A procedure for responding to and investigating any	9847
reported incident;	9848
(8) A strategy for protecting a victim or other person	9849
from new or additional harassment, intimidation, or bullying,	9850
and from retaliation following a report, including a means by	9851
which a person may report an incident anonymously;	9852
(9) A disciplinary procedure for any student guilty of	9853
harassment, intimidation, or bullying, which shall not infringe	9854
on any student's rights under the first amendment to the	9855
Constitution of the United States;	9856
(10) A statement prohibiting students from deliberately	9857
making false reports of harassment, intimidation, or bullying	9858
and a disciplinary procedure for any student responsible for	9859
deliberately making a false report of that nature;	9860
(11) A requirement that the district administration	9861
semiannually provide the president of the district board a	9862
written summary of all reported incidents and post the summary	9863
on its web site, if the district has a web site, to the extent	9864
permitted by section 3319.321 of the Revised Code and the	9865
"Family Educational Rights and Privacy Act of 1974," 88 Stat.	9866
571, 20 U.S.C. 1232g, as amended.	9867
(C) Each board's policy shall appear in any student	9868
handbooks, and in any of the publications that set forth the	9869
comprehensive rules, procedures, and standards of conduct for	9870
schools and students in the district. The policy and an	9871
explanation of the seriousness of bullying by electronic means	9872
shall be made available to students in the district and to their	9873



~~eustodial parents, designated parent and legal custodian,~~ or 9874  
guardians. Information regarding the policy shall be 9875  
incorporated into employee training materials. 9876

(D) (1) To the extent that state or federal funds are 9877  
appropriated for this purpose, each board shall require that all 9878  
students enrolled in the district annually be provided with age- 9879  
appropriate instruction, as determined by the board, on the 9880  
board's policy, including a written or verbal discussion of the 9881  
consequences for violations of the policy. 9882

(2) Each board shall require that once each school year a 9883  
written statement describing the policy and the consequences for 9884  
violations of the policy be sent to each student's ~~eustodial-~~ 9885  
~~parent~~ parents, designated parent and legal custodian, or 9886  
guardian. The statement may be sent with regular student report 9887  
cards or may be delivered electronically. 9888

(E) A school district employee, student, or volunteer 9889  
shall be individually immune from liability in a civil action 9890  
for damages arising from reporting an incident in accordance 9891  
with a policy adopted pursuant to this section if that person 9892  
reports an incident of harassment, intimidation, or bullying 9893  
promptly in good faith and in compliance with the procedures as 9894  
specified in the policy. 9895

(F) Except as provided in division (E) of this section, 9896  
nothing in this section prohibits a victim from seeking redress 9897  
under any other provision of the Revised Code or common law that 9898  
may apply. 9899

(G) This section does not create a new cause of action or 9900  
a substantive legal right for any person. 9901

(H) Each board shall update the policy adopted under this 9902

section to include violence within a dating relationship and 9903  
harassment, intimidation, or bullying by electronic means. 9904

**Sec. 3313.672.** (A) (1) At the time of initial entry to a 9905  
public or nonpublic school, a pupil shall present to the person 9906  
in charge of admission any records given the pupil by the public 9907  
or nonpublic elementary or secondary school the pupil most 9908  
recently attended; a certified copy of an order or decree, or 9909  
modification of such an order or decree allocating ~~parental-~~ 9910  
~~rights and parenting responsibilities for the care of a child-~~ 9911  
and designating a ~~residential-~~ designated parent and legal 9912  
custodian of the child, as provided in division (B) of this 9913  
section, if that type of order or decree has been issued; a copy 9914  
of a power of attorney or caretaker authorization affidavit, if 9915  
either has been executed with respect to the child pursuant to 9916  
sections 3109.51 to 3109.80 of the Revised Code; and a 9917  
certification of birth issued pursuant to Chapter 3705. of the 9918  
Revised Code, a comparable certificate or certification issued 9919  
pursuant to the statutes of another state, territory, 9920  
possession, or nation, or a document in lieu of a certificate or 9921  
certification as described in divisions (A) (1) (a) to (e) of this 9922  
section. Any of the following shall be accepted in lieu of a 9923  
certificate or certification of birth by the person in charge of 9924  
admission: 9925

(a) A passport or attested transcript of a passport filed 9926  
with a registrar of passports at a point of entry of the United 9927  
States showing the date and place of birth of the child; 9928

(b) An attested transcript of the certificate of birth; 9929

(c) An attested transcript of the certificate of baptism 9930  
or other religious record showing the date and place of birth of 9931  
the child; 9932

(d) An attested transcript of a hospital record showing 9933  
the date and place of birth of the child; 9934

(e) A birth affidavit. 9935

(2) If a pupil requesting admission to a school of the 9936  
school district in which the pupil is entitled to attend school 9937  
under section 3313.64 or 3313.65 of the Revised Code has been 9938  
discharged or released from the custody of the department of 9939  
youth services under section 5139.51 of the Revised Code just 9940  
prior to requesting admission to the school, no school official 9941  
shall admit that pupil until the records described in divisions 9942  
(D) (4) (a) to (d) of section 2152.18 of the Revised Code have 9943  
been received by the superintendent of the school district. 9944

(3) No public or nonpublic school official shall deny a 9945  
protected child admission to the school solely because the child 9946  
does not present a birth certificate described in division (A) 9947  
(1) of this section, a comparable certificate or certification 9948  
from another state, territory, possession, or nation, or another 9949  
document specified in divisions (A) (1) (a) to (e) of this section 9950  
upon registration for entry into the school. However, the 9951  
protected child, or the parent, legal custodian, or guardian of 9952  
that child, shall present a birth certificate or other document 9953  
specified in divisions (A) (1) (a) to (e) of this section to the 9954  
person in charge of admission of the school within ninety days 9955  
after the child's initial entry into the school. 9956

(4) Except as otherwise provided in division (A) (2) or (3) 9957  
of this section, within twenty-four hours of the entry into the 9958  
school of a pupil described in division (A) (1) of this section, 9959  
a school official shall request the pupil's official records 9960  
from the public or nonpublic elementary or secondary school the 9961  
pupil most recently attended. If the public or nonpublic school 9962

the pupil claims to have most recently attended indicates that 9963  
it has no record of the pupil's attendance or the records are 9964  
not received within fourteen days of the date of request, or if 9965  
the pupil does not present a certification of birth described in 9966  
division (A)(1) of this section, a comparable certificate or 9967  
certification from another state, territory, possession, or 9968  
nation, or another document specified in divisions (A)(1)(a) to 9969  
(e) of this section, the principal or chief administrative 9970  
officer of the school shall notify the law enforcement agency 9971  
having jurisdiction in the area where the pupil resides of this 9972  
fact and of the possibility that the pupil may be a missing 9973  
child, as defined in section 2901.30 of the Revised Code. 9974

(B)(1) Whenever an order or decree allocating ~~parental~~ 9975  
~~rights and parenting responsibilities for the care of a child~~ 9976  
and designating a ~~residential-designated~~ parent and legal 9977  
custodian of the child, including a temporary order, is issued 9978  
resulting from an action of divorce, alimony, annulment, or 9979  
dissolution of marriage, and the order or decree pertains to a 9980  
child who is a pupil in a public or nonpublic school, the 9981  
~~residential-designated parent and legal custodian~~ of the child 9982  
shall notify the school of those allocations and designations by 9983  
providing the person in charge of admission at the pupil's 9984  
school with a certified copy of the order or decree that made 9985  
the allocation and designation. Whenever there is a modification 9986  
of any order or decree allocating ~~parental rights and parenting~~ 9987  
~~responsibilities for the care of a child~~ and designating a 9988  
~~residential-designated~~ parent and legal custodian of the child 9989  
that has been submitted to a school, the ~~residential-designated~~ 9990  
~~parent and legal custodian~~ shall provide the person in charge of 9991  
admission at the pupil's school with a certified copy of the 9992  
order or decree that makes the modification. 9993

(2) Whenever a power of attorney is executed under 9994  
sections 3109.51 to 3109.62 of the Revised Code that pertains to 9995  
a child who is a pupil in a public or nonpublic school, the 9996  
attorney in fact shall notify the school of the power of 9997  
attorney by providing the person in charge of admission with a 9998  
copy of the power of attorney. Whenever a caretaker 9999  
authorization affidavit is executed under sections 3109.64 to 10000  
3109.73 of the Revised Code that pertains to a child who is in a 10001  
public or nonpublic school, the grandparent who executed the 10002  
affidavit shall notify the school of the affidavit by providing 10003  
the person in charge of admission with a copy of the affidavit. 10004

(C) If, at the time of a pupil's initial entry to a public 10005  
or nonpublic school, the pupil is under the care of a shelter 10006  
for victims of domestic violence, as defined in section 3113.33 10007  
of the Revised Code, the pupil or the pupil's parent shall 10008  
notify the school of that fact. Upon being so informed, the 10009  
school shall inform the elementary or secondary school from 10010  
which it requests the pupil's records of that fact. 10011

(D) Whenever a public or nonpublic school is notified by a 10012  
law enforcement agency pursuant to division (D) of section 10013  
2901.30 of the Revised Code that a missing child report has been 10014  
filed regarding a pupil who is currently or was previously 10015  
enrolled in the school, the person in charge of admission at the 10016  
school shall mark that pupil's records in such a manner that 10017  
whenever a copy of or information regarding the records is 10018  
requested, any school official responding to the request is 10019  
alerted to the fact that the records are those of a missing 10020  
child. Upon any request for a copy of or information regarding a 10021  
pupil's records that have been so marked, the person in charge 10022  
of admission immediately shall report the request to the law 10023  
enforcement agency that notified the school that the pupil is a 10024

missing child. When forwarding a copy of or information from the pupil's records in response to a request, the person in charge of admission shall do so in such a way that the receiving district or school would be unable to discern that the pupil's records are marked pursuant to this division but shall retain the mark in the pupil's records until notified that the pupil is no longer a missing child. Upon notification by a law enforcement agency that a pupil is no longer a missing child, the person in charge of admission shall remove the mark from the pupil's records in such a way that if the records were forwarded to another district or school, the receiving district or school would be unable to discern that the records were ever marked.

(E) As used in this section: 10037

(1) "Protected child" means a child placed in a foster home, as that term is defined in section 5103.02 of the Revised Code, or in a residential facility. 10038  
10039  
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(2) "Residential facility" means a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four-hour child care, county children's home, or district children's home. 10041  
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**Sec. 3313.712.** As used in this section, "parent" means parent as defined in section 3321.01 of the Revised Code. 10046  
10047

(A) Annually the board of education of each city, exempted village, local, and joint vocational school district shall, before the first day of October, provide to the parent of every pupil enrolled in schools under the board's jurisdiction, an emergency medical authorization form that is an identical copy of the form contained in division (B) of this section. 10048  
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Thereafter, the board shall, within thirty days after the entry 10054  
of any pupil into a public school in this state for the first 10055  
time, provide ~~his~~ the pupil's parent, either as part of any 10056  
registration form which is in use in the district, or as a 10057  
separate form, an identical copy of the form contained in 10058  
division (B) of this section. When the form is returned to the 10059  
school with Part I or Part II completed, the school shall keep 10060  
the form on file, and shall send the form to any school of a 10061  
city, exempted village, local, or joint vocational school 10062  
district to which the pupil is transferred. Upon request of ~~his~~ 10063  
a pupil's parent, authorities of the school in which the pupil 10064  
is enrolled may permit the parent to make changes in a 10065  
previously filed form, or to file a new form. 10066

If a parent does not wish to give such written permission, 10067  
~~he~~ the parent shall indicate in the proper place on the form the 10068  
procedure ~~he~~ the parent wishes school authorities to follow in 10069  
the event of a medical emergency involving ~~his~~ the parent's 10070  
child. 10071

Even if a parent gives written consent for emergency 10072  
medical treatment, when a pupil becomes ill or is injured and 10073  
requires emergency medical treatment while under school 10074  
authority, or while engaged in an extra-curricular activity 10075  
authorized by the appropriate school authorities, the 10076  
authorities of ~~his~~ the pupil's school shall make reasonable 10077  
attempts to contact the parent before treatment is given. The 10078  
school shall present the pupil's emergency medical authorization 10079  
form or copy thereof to the hospital or practitioner rendering 10080  
treatment. 10081

Nothing in this section shall be construed to impose 10082  
liability on any school official or school employee who, in good 10083

faith, attempts to comply with this section. 10084

(B) The emergency medical authorization form provided for 10085  
in division (A) of this section is as follows: 10086

"EMERGENCY MEDICAL AUTHORIZATION 10087

School \_\_\_\_\_ Student Name \_\_\_\_\_ 10088

\_\_\_\_\_ Address \_\_\_\_\_ 10089

\_\_\_\_\_ \_\_\_\_\_ 10090

\_\_\_\_\_ Telephone \_\_\_\_\_ 10091

Purpose - To enable parents and guardians to authorize the 10092  
provision of emergency treatment for children who become ill or 10093  
injured while under school authority, when parents or guardians 10094  
cannot be reached. 10095

~~Residential~~ Parent or Guardian 10096

Mother's Name \_\_\_\_\_ Daytime Phone \_\_\_\_\_ 10097

Father's Name \_\_\_\_\_ Daytime Phone \_\_\_\_\_ 10098

Other's Name \_\_\_\_\_ Daytime Phone \_\_\_\_\_ 10099

Name of Relative or Childcare Provider 10100

\_\_\_\_\_ Relationship \_\_\_\_\_ 10101

Address \_\_\_\_\_ Phone \_\_\_\_\_ 10102

PART I OR II MUST BE COMPLETED 10103

PART I - TO GRANT CONSENT 10104

I hereby give consent for the following medical care 10105  
providers and local hospital to be called: 10106

Doctor \_\_\_\_\_ Phone \_\_\_\_\_ 10107



Dentist \_\_\_\_\_ Phone \_\_\_\_\_ 10108

Medical Specialist \_\_\_\_\_ Phone \_\_\_\_\_ 10109

Local Hospital \_\_\_\_\_ Emergency Room Phone \_\_\_\_\_ 10110

In the event reasonable attempts to contact me have been 10111  
unsuccessful, I hereby give my consent for (1) the 10112  
administration of any treatment deemed necessary by above-named 10113  
doctor, or, in the event the designated preferred practitioner 10114  
is not available, by another licensed physician or dentist; and 10115  
(2) the transfer of the child to any hospital reasonably 10116  
accessible. 10117

This authorization does not cover major surgery unless the 10118  
medical opinions of two other licensed physicians or dentists, 10119  
concurring in the necessity for such surgery, are obtained prior 10120  
to the performance of such surgery. 10121

Facts concerning the child's medical history including 10122  
allergies, medications being taken, and any physical impairments 10123  
to which a physician should be alerted: 10124

Date \_\_\_\_\_ Signature of 10125

Parent/Guardian 10126

\_\_\_\_\_ 10127

Address \_\_\_\_\_ 10128

\_\_\_\_\_ 10129

**PART II - REFUSAL TO CONSENT** 10130

I do NOT give my consent for emergency medical treatment 10131  
of my child. In the event of illness or injury requiring 10132  
emergency treatment, I wish the school authorities to take the 10133  
following action: 10134

Date \_\_\_\_\_ Signature of 10135  
Parent/Guardian 10136  
\_\_\_\_\_  
Address 10138  
\_\_\_\_\_  
\_\_\_\_\_ " 10140

**Sec. 3313.96.** (A) As used in this section, "minor," 10141  
"missing child," and "missing children" have the same meanings 10142  
as in section 2901.30 of the Revised Code. 10143

(B) Each board of education shall develop within its 10144  
district informational programs for students, parents, and 10145  
community members relative to missing children issues and 10146  
matters. Each of these boards may request copies of the 10147  
informational materials acquired or prepared by the missing 10148  
children clearinghouse pursuant to section 109.65 of the Revised 10149  
Code and may request assistance from the clearinghouse in 10150  
developing its programs. 10151

The principal or chief administrative officer of a 10152  
nonpublic school in this state may develop within ~~his~~ the 10153  
principal's or officer's school informational programs relative 10154  
to missing children issues and matters for students, parents, 10155  
and community members. The principal or officer may request 10156  
copies of the informational materials acquired or prepared by 10157  
the missing children clearinghouse and may request assistance 10158  
from the clearinghouse in developing its programs. 10159

(C) Each board of education may develop a fingerprinting 10160  
program for students and minors within the district. The 10161  
principal or chief administrative officer of a nonpublic school 10162

in this state may develop a fingerprinting program for students 10163  
of the school. If developed, the program shall be developed in 10164  
conjunction with law enforcement agencies having jurisdiction 10165  
within the school district or where the nonpublic school is 10166  
located and, in the case of a local school district, in 10167  
conjunction with the governing board of the educational service 10168  
center. Such law enforcement agencies shall cooperate fully with 10169  
the board or nonpublic school in the development of its 10170  
fingerprinting program. 10171

If developed, the fingerprinting program shall be 10172  
developed for the sole purpose of providing a means by which a 10173  
missing child might be located or identified and shall be 10174  
operated on the following basis: 10175

(1) No student or minor shall be required to participate 10176  
in the program. 10177

(2) In order for a student or minor to participate in the 10178  
program, the parents, parent who is the ~~residential~~ designated 10179  
parent and legal custodian, guardian, legal custodian, or other 10180  
person responsible for the student or minor shall authorize the 10181  
student's or minor's participation by signing a form that shall 10182  
be developed by the board of education or by the principal or 10183  
chief administrative officer of the nonpublic school, for the 10184  
program. 10185

(3) The fingerprinting of students or minors shall be 10186  
performed by members of the associated law enforcement agencies 10187  
on fingerprint sheets provided to the school districts or 10188  
nonpublic schools by the bureau of criminal identification and 10189  
investigation pursuant to section 109.58 of the Revised Code or 10190  
on fingerprint sheets or cards otherwise acquired. 10191

(4) All fingerprint cards shall be given to the parents, 10192  
parent who is the ~~residential-designated~~ parent and legal 10193  
custodian, guardian, legal custodian, or other person 10194  
responsible for a student or minor after the fingerprinting of 10195  
the student or minor. No copy of a fingerprinting shall be 10196  
retained by a law enforcement agency, school, school district, 10197  
or any other person except the student or minor's parent, 10198  
guardian, or legal custodian. 10199

(5) The name, sex, hair and eye color, height, weight, and 10200  
date and place of birth of the student or minor shall be 10201  
indicated on the fingerprint sheet or card. 10202

(6) The fingerprinting program developed pursuant to this 10203  
section shall be offered on a periodic basis. Parents, 10204  
guardians, legal custodians, and residents of the districts or 10205  
in the communities served by the schools shall be notified 10206  
periodically of the program and its purpose. These notifications 10207  
may be given by means of memoranda or letters sent to these 10208  
persons, by newspaper articles, or by other reasonable means. 10209

(D) This section does not affect any fingerprinting 10210  
programs for minors that are provided by private organizations 10211  
or governmental entities other than school districts. 10212

**Sec. 3313.98.** Notwithstanding division (D) of section 10213  
3311.19 and division (D) of section 3311.52 of the Revised Code, 10214  
the provisions of this section and sections 3313.981 to 3313.983 10215  
of the Revised Code that apply to a city school district do not 10216  
apply to a joint vocational or cooperative education school 10217  
district unless expressly specified. 10218

(A) As used in this section and sections 3313.981 to 10219  
3313.983 of the Revised Code: 10220

- (1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions: 10221  
10222
- (a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating ~~the parental rights and parenting responsibilities with respect to the student~~, "parent" means the residential-designated parent and legal custodian as designated by the court except that "parent" means either parent when the court ~~issues~~ issued a shared parenting decree prior to the effective date of this amendment or approves a parenting plan under sections 3109.04 to 3109.0499 of the Revised Code. 10223  
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- (b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child. 10235  
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- (c) When a court has appointed a guardian for the student, "parent" means the guardian of the student. 10239  
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- (2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section. 10241  
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- (3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section. 10244  
10245  
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- (4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district. 10247  
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(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls.

(6) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the secretary of health and human services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.

(7) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section.

(9) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district.

(10) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(B) (1) The board of education of each city, local, and

exempted village school district shall adopt a resolution 10279  
establishing for the school district one of the following 10280  
policies: 10281

(a) A policy that entirely prohibits the enrollment of 10282  
students from adjacent districts or other districts, other than 10283  
students for whom tuition is paid in accordance with section 10284  
3317.08 of the Revised Code; 10285

(b) A policy that permits enrollment of students from all 10286  
adjacent districts in accordance with policy statements 10287  
contained in the resolution; 10288

(c) A policy that permits enrollment of students from all 10289  
other districts in accordance with policy statements contained 10290  
in the resolution. 10291

(2) A policy permitting enrollment of students from 10292  
adjacent or from other districts, as applicable, shall provide 10293  
for all of the following: 10294

(a) Application procedures, including deadlines for 10295  
application and for notification of students and the 10296  
superintendent of the applicable district whenever an adjacent 10297  
or other district student's application is approved. 10298

(b) Procedures for admitting adjacent or other district 10299  
applicants free of any tuition obligation to the district's 10300  
schools, including, but not limited to: 10301

(i) The establishment of district capacity limits by grade 10302  
level, school building, and education program; 10303

(ii) A requirement that all native students wishing to be 10304  
enrolled in the district will be enrolled and that any adjacent 10305  
or other district students previously enrolled in the district 10306

shall receive preference over first-time applicants; 10307

(iii) Procedures to ensure that an appropriate racial 10308  
balance is maintained in the district schools. 10309

(C) Except as provided in section 3313.982 of the Revised 10310  
Code, the procedures for admitting adjacent or other district 10311  
students, as applicable, shall not include: 10312

(1) Any requirement of academic ability, or any level of 10313  
athletic, artistic, or other extracurricular skills; 10314

(2) Limitations on admitting applicants because of 10315  
disability, except that a board may refuse to admit a student 10316  
receiving services under Chapter 3323. of the Revised Code, if 10317  
the services described in the student's IEP are not available in 10318  
the district's schools; 10319

(3) A requirement that the student be proficient in the 10320  
English language; 10321

(4) Rejection of any applicant because the student has 10322  
been subject to disciplinary proceedings, except that if an 10323  
applicant has been suspended or expelled by the student's 10324  
district for ten consecutive days or more in the term for which 10325  
admission is sought or in the term immediately preceding the 10326  
term for which admission is sought, the procedures may include a 10327  
provision denying admission of such applicant. 10328

(D) (1) Each school board permitting only enrollment of 10329  
adjacent district students shall provide information about the 10330  
policy adopted under this section, including the application 10331  
procedures and deadlines, to the superintendent and the board of 10332  
education of each adjacent district and, upon request, to the 10333  
parent of any adjacent district student. 10334



(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F) (1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section

3313.981 of the Revised Code. 10364

(G) The department of education and workforce shall 10365  
monitor school districts to ensure compliance with this section 10366  
and the districts' policies. The department may adopt rules 10367  
requiring uniform application procedures, deadlines for 10368  
application, notification procedures, and record-keeping 10369  
requirements for all school boards that adopt policies 10370  
permitting the enrollment of adjacent or other district 10371  
students, as applicable. If the department adopts such rules, no 10372  
school board shall adopt a policy that conflicts with those 10373  
rules. 10374

(H) A resolution adopted by a board of education under 10375  
this section that entirely prohibits the enrollment of students 10376  
from adjacent and from other school districts does not abrogate 10377  
any agreement entered into under section 3313.841 or 3313.92 of 10378  
the Revised Code or any contract entered into under section 10379  
3313.90 of the Revised Code between the board of education 10380  
adopting the resolution and the board of education of any 10381  
adjacent or other district or prohibit these boards of education 10382  
from entering into any such agreement or contract. 10383

(I) Nothing in this section shall be construed to permit 10384  
or require the board of education of a city, exempted village, 10385  
or local school district to exclude any native student of the 10386  
district from enrolling in the district. 10387

**Sec. 3319.321.** (A) No person shall release, or permit 10388  
access to, the directory information concerning any students 10389  
attending a public school to any person or group for use in a 10390  
profit-making plan or activity. Notwithstanding division (B) (4) 10391  
of section 149.43 of the Revised Code, a person may require 10392  
disclosure of the requestor's identity or the intended use of 10393

the directory information concerning any students attending a public school to ascertain whether the directory information is for use in a profit-making plan or activity.

(B) No person shall release, or permit access to, personally identifiable information other than directory information concerning any student attending a public school, for purposes other than those identified in division (C), (E), (G), or (H) of this section, without the written consent of the parent, guardian, or legal custodian of each such student who is less than eighteen years of age, or without the written consent of each such student who is eighteen years of age or older.

(1) For purposes of this section, "directory information" includes a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, date of graduation, and awards received.

(2) (a) Except as provided in division (B) (2) (b) of this section, no school district board of education shall impose any restriction on the presentation of directory information that it has designated as subject to release in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232q, as amended, to representatives of the armed forces, business, industry, charitable institutions, other employers, and institutions of higher education unless such restriction is uniformly imposed on each of these types of representatives, except that if a student eighteen years of age or older or a student's parent, guardian, or legal custodian has informed the board that any or all such information should not be released without such person's prior written consent, the

board shall not release that information without such person's 10424  
prior written consent. 10425

(b) The names and addresses of students in grades ten 10426  
through twelve shall be released to a recruiting officer for any 10427  
branch of the United States armed forces who requests such 10428  
information, except that such data shall not be released if the 10429  
student or student's parent, guardian, or legal custodian 10430  
submits to the board a written request not to release such data. 10431  
Any data received by a recruiting officer shall be used solely 10432  
for the purpose of providing information to students regarding 10433  
military service and shall not be released to any person other 10434  
than individuals within the recruiting services of the armed 10435  
forces. 10436

(3) Except for directory information and except as 10437  
provided in division (E), (G), or (H) of this section, 10438  
information covered by this section that is released shall only 10439  
be transferred to a third or subsequent party on the condition 10440  
that such party will not permit any other party to have access 10441  
to such information without written consent of the parent, 10442  
guardian, or legal custodian, or of the student who is eighteen 10443  
years of age or older. 10444

(4) Except as otherwise provided in this section, any 10445  
parent of a student may give the written parental consent 10446  
required under this section. Where parents are separated or 10447  
divorced, the written parental consent required under this 10448  
section may be obtained from either parent, subject to any 10449  
agreement between such parents or court order governing the 10450  
rights of such parents. In the case of a student whose legal 10451  
guardian is in an institution, a person independent of the 10452  
institution who has no other conflicting interests in the case 10453

shall be appointed by the board of education of the school 10454  
district in which the institution is located to give the written 10455  
parental consent required under this section. 10456

(5) (a) A parent or legal custodian of a student ~~who is not~~ 10457  
~~the student's residential parent~~, upon request, shall be 10458  
permitted access to any records or information concerning the 10459  
student ~~under the same terms and conditions under which access~~ 10460  
~~to the records or information is available to the residential~~ 10461  
~~parent of that student~~, provided that the access of the parent 10462  
~~who is not the residential parent~~ or legal custodian is subject 10463  
to any agreement between the parents and legal custodian, to 10464  
division (F) of this section, and, to the extent described in 10465  
division (B) (5) (b) of this section, is subject to any court 10466  
order issued pursuant to ~~section 3109.051~~ sections 3109.0516 to 10467  
3109.0519 of the Revised Code and any other court order 10468  
governing the rights of the parents or legal custodian. 10469

(b) If the ~~residential parent~~ or legal custodian of a 10470  
student has presented the keeper of a record or information that 10471  
is related to the student with a copy of an order issued under 10472  
~~division (H) (1) of section 3109.051~~ 3109.057 of the Revised Code 10473  
that limits the terms and conditions under which the other 10474  
parent ~~who is not the residential parent~~ or legal custodian of 10475  
the student is to have access to records and information 10476  
pertaining to the student or with a copy of any other court 10477  
order governing the rights of the parents or legal custodian 10478  
that so limits those terms and conditions, and if the order 10479  
pertains to the record or information in question, the keeper of 10480  
the record or information shall provide access to the other 10481  
parent ~~who is not the residential parent~~ or legal custodian only 10482  
to the extent authorized in the order. If the ~~residential parent~~ 10483  
has presented the keeper of the record or information with such 10484

an order, the keeper of the record shall permit the other parent 10485  
or legal custodian ~~who is not the residential parent~~ to have 10486  
access to the record or information only in accordance with the 10487  
most recent such order that has been presented to the keeper ~~by~~ 10488  
~~the residential parent or the parent who is not the residential~~ 10489  
~~parent.~~ 10490

(C) Nothing in this section shall limit the administrative 10491  
use of public school records by a person acting exclusively in 10492  
the person's capacity as an employee of a board of education or 10493  
of the state or any of its political subdivisions, any court, or 10494  
the federal government, and nothing in this section shall 10495  
prevent the transfer of a student's record to an educational 10496  
institution for a legitimate educational purpose. However, 10497  
except as provided in this section, public school records shall 10498  
not be released or made available for any other purpose. 10499  
Fingerprints, photographs, or records obtained pursuant to 10500  
section 3313.96 or 3319.322 of the Revised Code, or pursuant to 10501  
division (E) of this section, or any medical, psychological, 10502  
guidance, counseling, or other information that is derived from 10503  
the use of the fingerprints, photographs, or records, shall not 10504  
be admissible as evidence against the minor who is the subject 10505  
of the fingerprints, photographs, or records in any proceeding 10506  
in any court. The provisions of this division regarding the 10507  
administrative use of records by an employee of the state or any 10508  
of its political subdivisions or of a court or the federal 10509  
government shall be applicable only when the use of the 10510  
information is required by a state statute adopted before 10511  
November 19, 1974, or by federal law. 10512

(D) A board of education may require, subject to division 10513  
(E) of this section, a person seeking to obtain copies of public 10514  
school records to pay the cost of reproduction and, in the case 10515

of data released under division (B) (2) (b) of this section, to 10516  
pay for any mailing costs, which payment shall not exceed the 10517  
actual cost to the school. 10518

(E) A principal or chief administrative officer of a 10519  
public school, or any employee of a public school who is 10520  
authorized to handle school records, shall provide access to a 10521  
student's records to a law enforcement officer who indicates 10522  
that the officer is conducting an investigation and that the 10523  
student is or may be a missing child, as defined in section 10524  
2901.30 of the Revised Code. Free copies of information in the 10525  
student's record shall be provided, upon request, to the law 10526  
enforcement officer, if prior approval is given by the student's 10527  
parent, guardian, or legal custodian. Information obtained by 10528  
the officer shall be used solely in the investigation of the 10529  
case. The information may be used by law enforcement agency 10530  
personnel in any manner that is appropriate in solving the case, 10531  
including, but not limited to, providing the information to 10532  
other law enforcement officers and agencies and to the bureau of 10533  
criminal identification and investigation for purposes of 10534  
computer integration pursuant to section 2901.30 of the Revised 10535  
Code. 10536

(F) No person shall release to a parent of a student who 10537  
is not the student's ~~residential-designated parent~~ and legal 10538  
custodian pursuant to division (B) of section 3109.044 of the 10539  
Revised Code or to any other person, or permit a parent of a 10540  
student who is not the student's ~~residential-designated parent~~ 10541  
and legal custodian or permit any other person to have access 10542  
to, any information about the location of any elementary or 10543  
secondary school to which a student has transferred or 10544  
information that would enable the parent who is not the 10545  
student's ~~residential-designated parent~~ and legal custodian or 10546

the other person to determine the location of that elementary or secondary school, if the elementary or secondary school to which the student has transferred and that requested the records of the student under section 3313.672 of the Revised Code informs the elementary or secondary school from which the student's records are obtained that the student is under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code.

(G) A principal or chief administrative officer of a public school, or any employee of a public school who is authorized to handle school records, shall comply with any order issued pursuant to division (D) (1) of section 2151.14 of the Revised Code, any request for records that is properly made pursuant to division (D) (3) (a) of section 2151.14 or division (A) of section 2151.141 of the Revised Code, and any determination that is made by a court pursuant to division (D) (3) (b) of section 2151.14 or division (B) (1) of section 2151.141 of the Revised Code.

(H) Notwithstanding any provision of this section, a principal of a public school, to the extent permitted by the "Family Educational Rights and Privacy Act of 1974," shall make the report required in section 3319.45 of the Revised Code that a pupil committed any violation listed in division (A) of section 3313.662 of the Revised Code on property owned or controlled by, or at an activity held under the auspices of, the board of education, regardless of whether the pupil was sixteen years of age or older. The principal is not required to obtain the consent of the pupil who is the subject of the report or the consent of the pupil's parent, guardian, or legal custodian before making a report pursuant to section 3319.45 of the Revised Code.



**Sec. 3321.01.** (A) (1) As used in this chapter, "parent," 10578  
"guardian," or "other person having charge or care of a child" 10579  
means either parent unless the parents are separated or divorced 10580  
or their marriage has been dissolved or annulled, in which case 10581  
"parent" means the parent or legal custodian who is the 10582  
~~residential-designated~~ parent and legal custodian of the child. 10583  
If the child is in the legal or permanent custody of a person or 10584  
government agency, "parent" means that person or government 10585  
agency. When a child is a resident of a home, as defined in 10586  
section 3313.64 of the Revised Code, and the child's parent is 10587  
not a resident of this state, "parent," "guardian," or "other 10588  
person having charge or care of a child" means the head of the 10589  
home. 10590

A child between six and eighteen years of age is "of 10591  
compulsory school age" for the purpose of sections 3321.01 to 10592  
3321.13 of the Revised Code. A child under six years of age who 10593  
has been enrolled in kindergarten also shall be considered "of 10594  
compulsory school age" for the purpose of sections 3321.01 to 10595  
3321.13 of the Revised Code unless at any time the child's 10596  
parent or guardian, at the parent's or guardian's discretion and 10597  
in consultation with the child's teacher and principal, formally 10598  
withdraws the child from kindergarten. The compulsory school age 10599  
of a child shall not commence until the beginning of the term of 10600  
such schools, or other time in the school year fixed by the 10601  
rules of the board of the district in which the child resides. 10602

(2) In a district in which all children are admitted to 10603  
kindergarten and the first grade in August or September, a child 10604  
shall be admitted if the child is five or six years of age, 10605  
respectively, by the thirtieth day of September of the year of 10606  
admittance, or by the first day of a term or semester other than 10607  
one beginning in August or September in school districts 10608

granting admittance at the beginning of such term or semester. A 10609  
child who does not meet the age requirements of this section for 10610  
admittance to kindergarten or first grade, but who will be five 10611  
or six years old, respective, prior to the first day of January 10612  
of the school year in which admission is requested, shall be 10613  
evaluated for early admittance in accordance with district 10614  
policy upon referral by the child's parent or guardian, an 10615  
educator employed by the district, a preschool educator who 10616  
knows the child, or a pediatrician or psychologist who knows the 10617  
child. Following an evaluation in accordance with a referral 10618  
under this section, the district board shall decide whether to 10619  
admit the child. If a child for whom admission to kindergarten 10620  
or first grade is requested will not be five or six years of 10621  
age, respectively, prior to the first day of January of the 10622  
school year in which admission is requested, the child shall be 10623  
admitted only in accordance with the district's acceleration 10624  
policy adopted under section 3324.10 of the Revised Code. 10625

(3) Notwithstanding division (A)(2) of this section, 10626  
beginning with the school year that starts in 2001 and 10627  
continuing thereafter the board of education of any district may 10628  
adopt a resolution establishing the first day of August in lieu 10629  
of the thirtieth day of September as the required date by which 10630  
students must have attained the age specified in that division. 10631

(4) After a student has been admitted to kindergarten in a 10632  
school district or chartered nonpublic school, no board of 10633  
education of a school district to which the student transfers 10634  
shall deny that student admission based on the student's age. 10635

(B) As used in division (C) of this section, "successfully 10636  
completed kindergarten" means that the child has completed the 10637  
kindergarten requirements at one of the following: 10638

(1) A public or chartered nonpublic school;	10639
(2) A kindergarten class that is both of the following:	10640
(a) Offered by a child care provider licensed under Chapter 5104. of the Revised Code;	10641 10642
(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:	10643 10644
(i) A valid educator license issued under section 3319.22 of the Revised Code;	10645 10646
(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	10647 10648 10649
(iii) Certification determined under division (F) of this section to be equivalent to that described in division (B) (2) (b) (ii) of this section;	10650 10651 10652
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	10653 10654
(C) (1) Except as provided in division (A) (2) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	10655 10656 10657
(2) Notwithstanding division (A) (2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade.	10658 10659 10660 10661
(D) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.	10662 10663 10664 10665

(E) Any kindergarten class offered by a child care provider or school described by division (B) (1) or (B) (2) (a) of this section shall be developmentally appropriate. 10666  
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(F) Upon written request of a child care provider described by division (B) (2) (a) of this section, the department of education and workforce shall determine whether certification held by a teacher employed by the provider meets the requirement of division (B) (2) (b) (iii) of this section and, if so, shall furnish the provider a statement to that effect. 10669  
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(G) As used in this division, "all-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code. 10675  
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(1) A school district that is offering all-day kindergarten for the first time or that charged fees or tuition for all-day kindergarten in the 2012-2013 school year may charge fees or tuition for a student enrolled in all-day kindergarten in any school year following the 2012-2013 school year. The department shall adjust the district's average daily membership certification under section 3317.03 of the Revised Code by one-half of the full-time equivalency for each student charged fees or tuition for all-day kindergarten under this division. If a district charges fees or tuition for all-day kindergarten under this division, the district shall develop a sliding fee scale based on family incomes. 10677  
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(2) The department shall conduct an annual survey of each school district described in division (G) (1) of this section to determine the following: 10689  
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(a) Whether the district charges fees or tuition for students enrolled in all-day kindergarten; 10692  
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(b) The amount of the fees or tuition charged; 10694

(c) How many of the students for whom tuition is charged 10695  
are eligible for free lunches under the "National School Lunch 10696  
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the 10697  
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 10698  
amended, and how many of the students for whom tuition is 10699  
charged are eligible for reduced price lunches under those acts; 10700

(d) How many students are enrolled in traditional half-day 10701  
kindergarten rather than all-day kindergarten. 10702

Each district shall report to the department, in the 10703  
manner prescribed by the department, the information described 10704  
in divisions (G)(2)(a) to (d) of this section. 10705

The department shall issue an annual report on the results 10706  
of the survey and shall post the report on its web site. The 10707  
department shall issue the first report not later than April 30, 10708  
2008, and shall issue a report not later than the thirtieth day 10709  
of April each year thereafter. 10710

**Sec. 3323.143.** If a child with a disability's ~~custodial~~ 10711  
designated parent and legal custodian has made a unilateral 10712  
placement of the child, the parent shall be responsible for 10713  
payment of tuition to the program or facility the child is 10714  
attending as a result of that placement as long as the district 10715  
of residence has offered a free appropriate public education to 10716  
that child. As used in this section, "unilateral placement" 10717  
means withdrawing a child with a disability from a program or 10718  
facility operated by the district of residence or from a program 10719  
or facility with which the district of residence has arranged 10720  
for education of the child and instead enrolling that child in 10721  
another program or facility that is not a home, as defined in 10722  
section 3313.64 of the Revised Code, or that is not a facility 10723  
or program available to the child pursuant to an open enrollment 10724

policy under section 3313.98 or 3313.983 of the Revised Code. 10725

**Sec. 3328.01.** As used in this chapter: 10726

(A) "Board of trustees" means the board of trustees 10727  
established for a college-preparatory boarding school in 10728  
accordance with section 3328.15 of the Revised Code. 10729

(B) "Child with a disability," "IEP," and "school district 10730  
of residence" have the same meanings as in section 3323.01 of 10731  
the Revised Code. 10732

(C) "Eligible student" means a student who is entitled to 10733  
attend school in a participating school district; is at risk of 10734  
academic failure; is from a family whose income is below two 10735  
hundred per cent of the federal poverty guidelines, as defined 10736  
in section 5101.46 of the Revised Code; meets any additional 10737  
criteria prescribed by agreement between the department of 10738  
education and workforce and the operator of the college- 10739  
preparatory boarding school in which the student seeks 10740  
enrollment; and meets at least two of the following additional 10741  
conditions: 10742

(1) The student has a record of in-school disciplinary 10743  
actions, suspensions, expulsions, or truancy. 10744

(2) The student has not attained at least a proficient 10745  
score on the state achievement assessments in English language 10746  
arts, reading, or mathematics prescribed under section 3301.0710 10747  
of the Revised Code, after those assessments have been 10748  
administered to the student at least once, or the student has 10749  
not attained at least a score designated by the board of 10750  
trustees of the college-preparatory boarding school in which the 10751  
student seeks enrollment under this chapter on an end-of-course 10752  
examination in English language arts or mathematics prescribed 10753

under section 3301.0712 of the Revised Code.	10754
(3) The student is a child with a disability.	10755
(4) The student has been referred for academic intervention services.	10756 10757
(5) The student's head of household is a single parent. As used in this division and in division (C)(6) of this section, "head of household" means a person who occupies the same household as the student and who is financially responsible for the student.	10758 10759 10760 10761 10762
(6) The student's head of household is not the student's <del>custodial</del> <u>designated parent and legal custodian</u> .	10763 10764
(7) A member of the student's family has been imprisoned, as defined in section 1.05 of the Revised Code.	10765 10766
(D) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	10767 10768 10769
(E) "Formula ADM," "category one through six special education ADM," and "state education aid" have the same meanings as in section 3317.02 of the Revised Code.	10770 10771 10772
(F) "Operator" means the operator of a college-preparatory boarding school selected under section 3328.11 of the Revised Code.	10773 10774 10775
(G) "Participating school district" means either of the following:	10776 10777
(1) The school district in which a college-preparatory boarding school established under this chapter is located;	10778 10779
(2) A school district other than one described in division	10780

(G) (1) of this section that, pursuant to procedures adopted by 10781  
the department under section 3328.04 of the Revised Code, agrees 10782  
to be a participating school district so that eligible students 10783  
entitled to attend school in that district may enroll in a 10784  
college-preparatory boarding school established under this 10785  
chapter. 10786

**Sec. 3332.25.** (A) As used in this section: 10787

(1) "On-campus student housing" means a dormitory or other 10788  
student residence that is owned or operated by or located on the 10789  
campus of a school subject to this chapter. 10790

(2) "Parent" means either parent, except that if one 10791  
parent or legal custodian has sole custody ~~been designated the~~ 10792  
designated parent and legal custodian, "parent" means the 10793  
designated parent and legal custodian ~~with custody.~~ "Parent" 10794  
also includes a guardian or, in the absence of a parent or 10795  
guardian, another person who has accepted responsibility for the 10796  
care of the student. 10797

(B) Beginning with the academic year that commences on or 10798  
after July 1, 2005, a school subject to this chapter shall not 10799  
permit a student to reside in on-campus student housing unless 10800  
the student, or, if the student is younger than eighteen years 10801  
of age, the student's parent, discloses to the school whether 10802  
the student has been vaccinated against meningococcal meningitis 10803  
and hepatitis B by submitting to the school the meningitis and 10804  
hepatitis B vaccination status statement described in division 10805  
(B) of section 3701.133 of the Revised Code or a meningitis 10806  
status statement form provided by the school that meets the 10807  
requirements of division (B) of section 3701.133 of the Revised 10808  
Code. The statement may be submitted in written form or, if the 10809  
school has a secure web site, in electronic form. 10810



(C) On receipt of an application for residence in on-campus student housing, a school subject to this chapter shall do both of the following:

(1) Inform the student of the disclosure requirement;

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

(D) This section does not require a school to provide or pay for a meningococcal meningitis or hepatitis B vaccination for any student.

**Sec. 3333.26.** (A) Any citizen of this state who has resided within the state for one year, who was in the active service of the United States as a soldier, sailor, nurse, or marine between September 1, 1939, and September 2, 1945, and who has been honorably discharged from that service, shall be admitted to any school, college, or university that receives state funds in support thereof, without being required to pay any tuition or matriculation fee, but is not relieved from the payment of laboratory or similar fees.

(B) (1) As used in this section:

(a) "Volunteer firefighter" has the meaning as in division (B) (1) of section 146.01 of the Revised Code.

(b) "Public service officer" means an Ohio firefighter, volunteer firefighter, police officer, member of the state highway patrol, employee designated to exercise the powers of

police officers pursuant to section 1545.13 of the Revised Code, 10840  
or other peace officer as defined by division (B) of section 10841  
2935.01 of the Revised Code, or a person holding any equivalent 10842  
position in another state. 10843

(c) "Qualified former spouse" means the former spouse of a 10844  
public service officer, or of a member of the armed services of 10845  
the United States, who is the ~~custodial-designated parent~~ and 10846  
legal custodian of a minor child of that marriage pursuant to an 10847  
order allocating ~~the parental rights and parenting~~ 10848  
responsibilities ~~for care of the child issued pursuant to~~ 10849  
~~section sections~~ 3109.04 to 3109.0499 of the Revised Code. 10850

(d) "Operation enduring freedom" means that period of 10851  
conflict which began October 7, 2001, and ends on a date 10852  
declared by the president of the United States or the congress. 10853

(e) "Operation Iraqi freedom" means that period of 10854  
conflict which began March 20, 2003, and ends on a date declared 10855  
by the president of the United States or the congress. 10856

(f) "Combat zone" means an area that the president of the 10857  
United States by executive order designates, for purposes of 26 10858  
U.S.C. 112, as an area in which armed forces of the United 10859  
States are or have engaged in combat. 10860

(2) Subject to division (D) of this section, any resident 10861  
of this state who is under twenty-six years of age, or under 10862  
thirty years of age if the resident has been honorably 10863  
discharged from the armed services of the United States, who is 10864  
the child of a public service officer killed in the line of duty 10865  
or of a member of the armed services of the United States killed 10866  
in the line of duty during operation enduring freedom or 10867  
operation Iraqi freedom, and who is admitted to any state 10868

university or college as defined in division (A) (1) of section 10869  
3345.12 of the Revised Code, community college, state community 10870  
college, university branch, or technical college shall not be 10871  
required to pay any tuition or any student fee for up to four 10872  
academic years of education, which shall be at the undergraduate 10873  
level, or a certificate program as prescribed under division (E) 10874  
of this section. 10875

A child of a member of the armed services of the United 10876  
States killed in the line of duty during operation enduring 10877  
freedom or operation Iraqi freedom is eligible for a waiver of 10878  
tuition and student fees under this division only if the student 10879  
is not eligible for a war orphans and severely disabled 10880  
veterans' children scholarship authorized by Chapter 5910. of 10881  
the Revised Code. In any year in which the war orphans and 10882  
severely disabled veterans' children scholarship board reduces 10883  
the percentage of tuition covered by a war orphans and severely 10884  
disabled veterans' children scholarship below one hundred per 10885  
cent pursuant to division (A) of section 5910.04 of the Revised 10886  
Code, the waiver of tuition and student fees under this division 10887  
for a child of a member of the armed services of the United 10888  
States killed in the line of duty during operation enduring 10889  
freedom or operation Iraqi freedom shall be reduced by the same 10890  
percentage. 10891

(3) Subject to division (D) of this section, any resident 10892  
of this state who is the spouse or qualified former spouse of a 10893  
public service officer killed in the line of duty, and who is 10894  
admitted to any state university or college as defined in 10895  
division (A) (1) of section 3345.12 of the Revised Code, 10896  
community college, state community college, university branch, 10897  
or technical college, shall not be required to pay any tuition 10898  
or any student fee for up to four academic years of education, 10899

which shall be at the undergraduate level, or a certificate 10900  
program as prescribed under division (E) of this section. 10901

(4) Any resident of this state who is the spouse or 10902  
qualified former spouse of a member of the armed services of the 10903  
United States killed in the line of duty while serving in a 10904  
combat zone after May 7, 1975, and who is admitted to any state 10905  
university or college as defined in division (A) (1) of section 10906  
3345.12 of the Revised Code, community college, state community 10907  
college, university branch, or technical college, shall not be 10908  
required to pay any tuition or any student fee for up to four 10909  
years of academic education, which shall be at the undergraduate 10910  
level, or a certificate program as prescribed under division (E) 10911  
of this section. In order to qualify under division (B) (4) of 10912  
this section, the spouse or qualified former spouse shall have 10913  
been a resident of this state at the time the member was killed 10914  
in the line of duty. 10915

(C) Any institution that is not subject to division (B) of 10916  
this section and that holds a valid certificate of registration 10917  
issued under Chapter 3332. of the Revised Code or a valid 10918  
license issued under Chapter 4713. of the Revised Code, or that 10919  
is nonprofit and has a certificate of authorization issued under 10920  
section 1713.02 of the Revised Code, or that is a private 10921  
institution exempt from regulation under Chapter 3332. of the 10922  
Revised Code as prescribed in section 3333.046 of the Revised 10923  
Code, which reduces tuition and student fees of a student who is 10924  
eligible to attend an institution of higher education under the 10925  
provisions of division (B) of this section by an amount 10926  
indicated by the chancellor of higher education shall be 10927  
eligible to receive a grant in that amount from the chancellor. 10928

Each institution that enrolls students under division (B) 10929

of this section shall report to the chancellor, by the first day 10930  
of July of each year, the number of students who were so 10931  
enrolled and the average amount of all such tuition and student 10932  
fees waived during the preceding year. The chancellor shall 10933  
determine the average amount of all such tuition and student 10934  
fees waived during the preceding year. The average amount of the 10935  
tuition and student fees waived under division (B) of this 10936  
section during the preceding year shall be the amount of grants 10937  
that participating institutions shall receive under this 10938  
division during the current year, but no grant under this 10939  
division shall exceed the tuition and student fees due and 10940  
payable by the student prior to the reduction referred to in 10941  
this division. The grants shall be made for two certificate 10942  
programs or four years of undergraduate education of an eligible 10943  
student. 10944

(D) Notwithstanding anything to the contrary in section 10945  
3333.31 of the Revised Code, for the purposes of divisions (B) 10946  
(2) and (3) of this section, the child, spouse, or qualified 10947  
former spouse of a public service officer or a member of the 10948  
armed services of the United States killed in the line of duty 10949  
shall be considered a resident of this state for the purposes of 10950  
this section if the child, spouse, or qualified former spouse 10951  
was a resident of this state at the time that the public service 10952  
officer or member of the armed services was killed. 10953

However, no child, spouse, or qualified former spouse of a 10954  
public service officer or a member of the armed services of the 10955  
United States killed in the line of duty shall be required to be 10956  
a resident of this state at the time the public service officer 10957  
or member of the armed services of the United States was killed 10958  
in order to receive benefits under divisions (B) (2) and (3) of 10959  
this section. 10960

(E) A child, spouse, or qualified former spouse of a public service officer or a member of the armed services killed in the line of duty shall receive benefits for a certificate program in accordance with division (B) or (C) of this section, except that a particular child, spouse, or qualified former spouse shall not receive benefits for:

(1) More than two certificate programs;

(2) A total number of academic credits or instructional hours equivalent to more than four academic years;

(3) For any particular academic year, an amount that is greater than eight thousand dollars.

**Sec. 3345.85.** (A) As used in this section:

(1) "On-campus student housing" means a dormitory or other student residence that is owned or operated by, or located on the campus of a state institution of higher education.

(2) "Parent" means either parent, except that if one parent or legal custodian has sole custody ~~has sole custody~~ been designated the designated parent and legal custodian, "parent" means the designated parent with custody and legal custodian. "Parent" also includes a guardian or, in the absence of a parent or guardian, another person who has accepted responsibility for the care of the student.

(B) Beginning with the academic year that commences on or after July 1, 2005, a state institution of higher education shall not permit a student to reside in on-campus student housing unless the student, or, if the student is younger than eighteen years of age, the student's parent, discloses to the institution whether the student has been vaccinated against meningococcal meningitis and hepatitis B by submitting to the

institution the meningitis and hepatitis B vaccination status 10990  
statement described in division (B) of section 3701.133 of the 10991  
Revised Code or a meningitis status statement form provided by 10992  
the institution that meets the requirements of division (B) of 10993  
section 3701.133 of the Revised Code. The statement may be 10994  
submitted in written form or, if the institution has a secure 10995  
web site, in electronic form. 10996

(C) On receipt of an application for residence in on- 10997  
campus student housing, a state institution of higher education 10998  
shall do both of the following: 10999

(1) Inform the student of the disclosure requirement; 11000

(2) Provide the student in either written or, if the 11001  
institution has a secure web site, electronic form the 11002  
meningitis and hepatitis B vaccination status statement 11003  
described in division (B) of section 3701.133 of the Revised 11004  
Code or a meningitis status statement form provided by the 11005  
institution that meets the requirements of division (B) of 11006  
section 3701.133 of the Revised Code. 11007

(D) This section does not require an institution to 11008  
provide or pay for a meningococcal meningitis or hepatitis B 11009  
vaccination for any student. 11010

**Sec. 3701.503.** As used in sections 3701.504 to 3701.509 of 11011  
the Revised Code: 11012

(A) "Parent" means either parent, unless the parents are 11013  
separated or divorced or their marriage has been dissolved or 11014  
annulled, in which case "parent" means the parent or legal 11015  
custodian who is the ~~residential-designated~~ parent and legal 11016  
custodian. 11017

(B) "Guardian" has the same meaning as in section 2111.01 11018

of the Revised Code. 11019

(C) "Custodian" means, except as used in division (A) of 11020  
this section, a government agency or an individual, other than 11021  
the parent or guardian, with legal or permanent custody of a 11022  
child as defined in section 2151.011 of the Revised Code. 11023

(D) "Hearing screening" means the identification of 11024  
newborns and infants who may have a hearing impairment, through 11025  
the use of a physiologic test. 11026

(E) "Hearing evaluation" means evaluation through the use 11027  
of audiological procedures by an audiologist or physician. 11028

(F) "Hearing impairment" means a loss of hearing in one or 11029  
both ears in the frequency region important for speech 11030  
recognition and comprehension. 11031

(G) "Newborn" means a child who is less than thirty days 11032  
old. 11033

(H) "Infant" means a child who is at least thirty days but 11034  
less than twenty-four months old. 11035

(I) "Freestanding birthing center" means any facility in 11036  
which deliveries routinely occur, regardless of whether the 11037  
facility is located on the campus of another health care 11038  
facility. 11039

(J) "Physician" means an individual authorized under 11040  
Chapter 4731. of the Revised Code to practice medicine and 11041  
surgery or osteopathic medicine and surgery. 11042

(K) "Audiologist" means an individual authorized under 11043  
section 4753.07 of the Revised Code to practice audiology. 11044

(L) "Hospital" means a hospital that has a maternity unit 11045



or newborn nursery. 11046

(M) "Maternity unit" means any unit or place in a hospital 11047  
where women are regularly received and provided care during all 11048  
or part of the maternity cycle, except that "maternity unit" 11049  
does not include an emergency department or similar place 11050  
dedicated to providing emergency health care. 11051

(N) "Board of health" means the board of health of a city 11052  
or general health district or the authority having the duties of 11053  
a board of health under section 3709.05 of the Revised Code. 11054

**Sec. 3780.33. Liabilities and immunities.** 11055

(A) The holder of a license, as defined in section 4776.01 of 11056  
the Revised Code, or other license, certification, or 11057  
registration issued by any professional board in the state of 11058  
Ohio, or pursuant to section 2923.125 of the Revised Code, are 11059  
not subject to disciplinary action solely for engaging in 11060  
professional or occupational activities related to adult use 11061  
cannabis in accordance with this chapter, for owning or 11062  
providing professional assistance to prospective or licensed 11063  
adult use operators, adult use testing laboratories or to other 11064  
individuals for activity in accordance with this chapter, or for 11065  
obtaining, possessing, transporting, or using adult use cannabis 11066  
in accordance with this chapter. 11067

(B) Unless there is clear and convincing evidence that a child 11068  
is unsafe, the use, possession, or administration of adult use 11069  
cannabis in accordance with this chapter shall not be the sole 11070  
or primary basis for ~~any~~ either of the following: 11071

(1) An adjudication under section 2151.28 of the Revised Code 11072  
determining that a child is an abused, neglected, or dependent 11073  
child; 11074

(2) An allocation of ~~parental rights and parenting~~ responsibilities under ~~section sections 3109.04 to 3109.0499 or 3109.12~~ of the Revised Code; ~~or~~ 11075  
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~~(3) A parenting time order under section 3109.051 or 3109.12 of the Revised Code.-~~ 11078  
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(C) Notwithstanding any conflicting provision of the Revised Code, the use or possession of adult use cannabis in accordance with this chapter shall not be used as a reason for disqualifying an individual from medical care or from including an individual on a transplant waiting list. 11080  
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(D) Notwithstanding any conflicting provision of the Revised Code, the use, possession, administration, cultivation, processing, testing, dispensing, transporting, sale, delivery, or transferring of adult use cannabis in accordance with this chapter shall not be used as the sole or primary reason for taking action under any criminal or civil statute. 11085  
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(E) Notwithstanding any conflicting provision of the Revised Code, when an adult use consumer engages in activities related to adult use cannabis in compliance with this chapter, such activities alone do not constitute sufficient basis for conducting a field sobriety test on the individual or for suspending the individual's driver's license. To conduct any field sobriety test, a law enforcement officer must have an independent, factual basis giving reasonable suspicion that the individual is operating a vehicle under the influence of adult use cannabis or with a prohibited concentration of marijuana in the person's whole blood, blood serum, plasma, breath, or urine. 11091  
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(F) Notwithstanding any conflicting provision of the Revised Code, an individual's status as an adult use consumer shall not 11102  
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be used as the sole or primary basis for rejecting the 11104  
individual as a tenant unless the rejection is required by 11105  
federal law. Notwithstanding this division, a landlord may 11106  
prohibit the consumption of cannabis by combustion so long as 11107  
such prohibition is included in the applicable lease agreement. 11108

(G) Notwithstanding any conflicting provision of the Revised 11109  
Code, the use or possession of adult use cannabis in accordance 11110  
with this chapter shall not be used as a reason for 11111  
disqualifying an individual from a public benefit program 11112  
administered by any state or local authority, or for otherwise 11113  
denying an individual a public benefit administered by the state 11114  
or any locality. 11115

(H) This chapter does not do any of the following: 11116

(1) Permit the use, possession, cultivation, processing, 11117  
dispensing, or transportation of adult use cannabis other than 11118  
as authorized by this chapter; 11119

(2) Permit the cultivation, processing, and dispensing of adult 11120  
use cannabis by any person unless licensed as an adult use 11121  
cannabis operator by the division of cannabis control except as 11122  
authorized under this chapter; 11123

(3) Permit the use, cultivation, dispensing, or processing of 11124  
adult use cannabis on federal, state, or locally owned land 11125  
located in the state of Ohio; 11126

(4) Require any public place to accommodate an individual's use 11127  
of adult use cannabis; 11128

(5) Prohibit any public place from accommodating an individual's 11129  
use of adult use cannabis; or 11130

(6) Restrict research related to cannabis at a state university, 11131

academic medical center, or private research and development 11132  
organization as part of a research protocol approved by an 11133  
institutional review board or equivalent entity. 11134

(I) It is the public policy of the state of Ohio that contracts 11135  
related to adult use cannabis operators and adult use cannabis 11136  
testing laboratories are enforceable. 11137

**Sec. 3796.24.** (A) The holder of a license, as defined in 11138  
section 4776.01 of the Revised Code, is not subject to 11139  
professional disciplinary action solely for engaging in 11140  
professional or occupational activities related to medical 11141  
marijuana. 11142

(B) Unless there is clear and convincing evidence that a 11143  
child is unsafe, the use, possession, or administration of 11144  
medical marijuana in accordance with this chapter shall not be 11145  
the sole or primary basis for any of the following: 11146

(1) An adjudication under section 2151.28 of the Revised 11147  
Code determining that a child is an abused, neglected, or 11148  
dependent child; 11149

(2) An allocation of ~~parental rights and parenting~~ 11150  
responsibilities under ~~section 3109.04~~ sections 3109.04 to 11151  
3109.0499 of the Revised Code; 11152

~~(3) A parenting time order under section 3109.051 or~~ 11153  
~~3109.12 of the Revised Code.~~ 11154

(C) Notwithstanding any conflicting provision of the 11155  
Revised Code, the use or possession of medical marijuana in 11156  
accordance with this chapter shall not be used as a reason for 11157  
disqualifying a patient from medical care or from including a 11158  
patient on a transplant waiting list. 11159

(D) Notwithstanding any conflicting provision of the Revised Code, the use, possession, administration, cultivation, processing, testing, or dispensing of medical marijuana in accordance with this chapter shall not be used as the sole or primary reason for taking action under any criminal or civil statute in the forfeiture or seizure of any property or asset.

(E) Notwithstanding any conflicting provision of the Revised Code, a person's status as a registered patient or caregiver is not a sufficient basis for conducting a field sobriety test on the person or for suspending the person's driver's license. To conduct any field sobriety test, a law enforcement officer must have an independent, factual basis giving reasonable suspicion that the person is operating a vehicle under the influence of marijuana or with a prohibited concentration of marijuana in the person's whole blood, blood serum, plasma, breath, or urine.

(F) Notwithstanding any conflicting provision of the Revised Code, a person's status as a registered patient or caregiver shall not be used as the sole or primary basis for rejecting the person as a tenant unless the rejection is required by federal law.

(G) This chapter does not do any of the following:

(1) Require a physician to recommend that a patient use medical marijuana to treat a qualifying medical condition;

(2) Permit the use, possession, or administration of medical marijuana other than as authorized by this chapter;

(3) Permit the use, possession, or administration of medical marijuana on federal land located in this state;

(4) Require any public place to accommodate a registered

patient's use of medical marijuana; 11189

(5) Prohibit any public place from accommodating a 11190  
registered patient's use of medical marijuana; 11191

(6) Restrict research related to marijuana conducted at a 11192  
state university, academic medical center, or private research 11193  
and development organization as part of a research protocol 11194  
approved by an institutional review board or equivalent entity. 11195

**Sec. 3902.13.** (A) A plan of health coverage determines its 11196  
order of benefits using the first of the following that applies: 11197

(1) A plan that does not coordinate with other plans is 11198  
always the primary plan. 11199

(2) The benefits of the plan that covers a person as an 11200  
employee, member, insured, or subscriber, other than a 11201  
dependent, is the primary plan. The plan that covers the person 11202  
as a dependent is the secondary plan. 11203

(3) When more than one plan covers the same child as a 11204  
dependent of different parents who are not divorced or 11205  
separated, the primary plan is the plan of the parent whose 11206  
birthday falls earlier in the year. The secondary plan is the 11207  
plan of the parent whose birthday falls later in the year. If 11208  
both parents have the same birthday, the benefits of the plan 11209  
that covered the parent the longer is the primary plan. The plan 11210  
that covered the parent the shorter time is the secondary plan. 11211  
If the other plan's provision for coordination of benefits does 11212  
not include the rule contained in this division because it is 11213  
not subject to regulation under this division, but instead has a 11214  
rule based on the gender of the parent, and if, as a result, the 11215  
plans do not agree on the order of benefits, the rule of the 11216  
other plan will determine the order of benefits. 11217

(4) (a) Except as provided in division (A) (4) (b) of this section, if more than one plan covers a person as a dependent child of divorced or separated parents, benefits for the child are determined in the following order:

(i) The plan of the parent who is the ~~residential-~~  
designated parent and legal custodian of the child;

(ii) The plan of the spouse of the parent who is the ~~residential-~~  
designated parent and legal custodian of the child;

(iii) The plan of the parent who is not the ~~residential-~~  
designated parent and legal custodian of the child.

(b) If the specific terms of a court decree state that one parent is responsible for the health care expenses of the child, the plan of that parent is the primary plan. A parent responsible for the health care pursuant to a court decree must notify the insurer or health insuring corporation of the terms of the decree.

(5) The primary plan is the plan that covers a person as an employee who is neither laid off or retired, or that employee's dependent. The secondary plan is the plan that covers that person as a laid-off or retired employee, or that employee's dependent.

(6) If none of the rules in divisions (A) (1), (2), (3), (4), and (5) of this section determines the order of benefits, the primary plan is the plan that covered an employee, member, insured, or subscriber longer. The secondary plan is the plan that covered that person the shorter time.

(B) When a plan of health coverage is determined to be a secondary plan it acts to provide benefits in excess of those provided by the primary plan.

(C) The secondary plan shall not be required to make 11247  
payment in an amount which exceeds the amount it would have paid 11248  
if it were the primary plan, but in no event, when combined with 11249  
the amount paid by the primary plan, shall payments by the 11250  
secondary plan exceed one hundred per cent of expenses allowable 11251  
under the provisions of the applicable policies and contracts. 11252

(D) A third-party payer may require a beneficiary to file 11253  
a claim with the primary plan before it determines the amount of 11254  
its payment obligation, if any, with regard to that claim. 11255

(E) Nothing in this section shall be construed to require 11256  
a plan to make a payment until it determines whether it is the 11257  
primary plan or the secondary plan and what benefits are payable 11258  
under the primary plan. 11259

(F) A plan may obtain any facts and information necessary 11260  
to apply the provisions of this section, or supply this 11261  
information to any other third-party payer or provider, or any 11262  
agent of such third-party payer or provider, without the consent 11263  
of the beneficiary. Each person claiming benefits under the plan 11264  
shall provide any information necessary to apply the provisions 11265  
of this section. 11266

(G) If the amount of payments made by any plan is more 11267  
than should have been paid, the plan may recover the excess from 11268  
whichever party received the excess payment. 11269

(H) No third-party payer shall administer a plan of health 11270  
coverage delivered, issued for delivery, or renewed on or after 11271  
June 29, 1988, unless such plan complies with this section. 11272

(I) (1) A third-party payer that is subject to this section 11273  
and has reason to believe payment has been made by another 11274  
third-party payer for the same service may request from that 11275



third-party payer, and shall be provided by the third-party payer, such data as necessary to determine whether duplicate payment has been made. 11276  
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(2) A third-party payer that meets the criteria of a secondary payer in accordance with this section may seek repayment of any duplicate payment that may have been made from the person to whom it made payment. If the person who received the duplicate payment is a provider, absent a finding of a court of competent jurisdiction that the provider has engaged in civil or criminal fraudulent activities, the request for the return of any duplicate payment shall be made within three years after the close of the provider's fiscal year in which the duplicate payment has been made. 11279  
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(J) Nothing in this section shall be construed to affect the prohibition of section 3923.37 of the Revised Code. 11289  
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(K) (1) No third-party payer shall knowingly fail to comply with the order of benefits as set forth in division (A) of this section. 11291  
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(2) No primary plan shall direct or encourage an insured to use the benefits of a secondary plan that results in a reduction of payment by such primary plan. 11294  
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(L) Whoever violates division (K) of this section is deemed to have engaged in an unfair and deceptive insurance act or practice under sections 3901.19 to 3901.26 of the Revised Code, and is subject to proceedings pursuant to those sections. 11297  
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**Sec. 3924.47.** If a child has health care coverage through a health insurer of a ~~noncustodial~~ parent who is not the designated parent and legal custodian, the health insurer shall do all of the following: 11301  
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(A) Provide such information to the ~~custodial-designated~~  
parent and legal custodian of the child as may be necessary for  
the child to obtain benefits through the coverage;

(B) Permit the ~~custodial-designated~~ parent and legal  
custodian, or a provider with the approval of the ~~custodial-~~  
designated parent and legal custodian, to submit claims for  
covered services without the approval of the ~~noncustodial~~-parent  
who is not the designated parent and legal custodian;

(C) Make payment on claims submitted in accordance with  
division (B) of this section directly to the ~~custodial-~~  
designated parent and legal custodian, the provider, or the  
department of job and family services.

**Sec. 5104.017.** The director of children and youth shall  
adopt rules pursuant to Chapter 119. of the Revised Code  
governing the operation of type A family child care homes,  
including parent cooperative type A homes, part-time type A  
homes, and drop-in type A homes. The rules shall reflect the  
various forms of child care and the needs of children receiving  
child care. The rules shall include the following:

(A) Submission of a site plan and descriptive plan of  
operation to demonstrate how the type A home proposes to meet  
the requirements of this chapter and rules adopted pursuant to  
this chapter for the initial license application;

(B) Standards for ensuring that the physical surroundings  
of the type A home are safe and sanitary, including the physical  
environment, the physical plant, and the equipment of the type A  
home;

(C) Standards for the supervision, care, and discipline of  
children receiving child care or publicly funded child care in

the type A home;	11334
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	11335 11336 11337 11338 11339 11340
(E) Admissions policies and procedures;	11341
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	11342 11343 11344
(G) First aid and emergency procedures;	11345
(H) Procedures for discipline and supervision of children;	11346
(I) Standards for the provision of nutritious meals and snacks;	11347 11348
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	11349 11350 11351
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	11352 11353
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	11354 11355 11356 11357
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	11358 11359 11360

(N) Procedures for record keeping, organization, and administration;	11361 11362
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	11363 11364 11365
(P) Inspection procedures;	11366
(Q) Procedures and standards for setting initial license application fees;	11367 11368
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	11369 11370
(S) Procedures for enforcing section 5104.04 of the Revised Code;	11371 11372
(T) A standard requiring the inclusion of a current department of children and youth toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	11373 11374 11375 11376 11377
(U) Requirements for the training of administrators and child care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	11378 11379 11380 11381
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	11382 11383 11384 11385
(W) Standards for the maximum number of children per child care staff member;	11386 11387

(X) Requirements for the amount of usable indoor floor space for each child;	11388 11389
(Y) Requirements for safe outdoor play space;	11390
(Z) Qualifications and training requirements for administrators and for child care staff members, which shall not include requiring an administrator or child care staff member to hold or obtain a bachelor's, master's, or doctoral degree;	11391 11392 11393 11394
(AA) Procedures for granting a parent <u>or legal custodian</u> who is the <del>residential-designated</del> parent and legal custodian, or a <u>legal</u> custodian or guardian access to the type A home during its hours of operation;	11395 11396 11397 11398
(BB) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	11399 11400 11401
(CC) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	11402 11403
<b>Sec. 5104.018.</b> The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family child care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family child care home and shall include all of the following:	11404 11405 11406 11407 11408 11409 11410
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	11411 11412 11413 11414
(B) Standards for ensuring that the type B home and the	11415

physical surroundings of the type B home are safe and sanitary,	11416
including physical environment, physical plant, and equipment;	11417
(C) Standards for the supervision, care, and discipline of	11418
children receiving child care or publicly funded child care in	11419
the home;	11420
(D) Standards for a program of activities, and for play	11421
equipment, materials, and supplies to enhance the development of	11422
each child; however, any educational curricula, philosophies,	11423
and methodologies that are developmentally appropriate and that	11424
enhance the social, emotional, intellectual, and physical	11425
development of each child shall be permissible;	11426
(E) Admission policies and procedures;	11427
(F) Health care, first aid and emergency procedures;	11428
(G) Procedures for the care of sick children;	11429
(H) Procedures for discipline and supervision of children;	11430
(I) Nutritional standards;	11431
(J) Procedures for screening children, including any	11432
necessary physical examinations and the immunizations required	11433
pursuant to section 5104.014 of the Revised Code;	11434
(K) Procedures for screening administrators and employees,	11435
including any necessary physical examinations and immunizations;	11436
(L) Methods of encouraging parental participation and	11437
ensuring that the rights of children, parents, and	11438
administrators are protected and the responsibilities of parents	11439
and administrators are met;	11440
(M) Standards for the safe transport of children when	11441
under the care of administrators;	11442

(N) Procedures for issuing, denying, or revoking licenses;	11443
(O) Procedures for the inspection of type B homes that	11444
require, at a minimum, that each type B home be inspected prior	11445
to licensure to ensure that the home is safe and sanitary;	11446
(P) Procedures for record keeping and evaluation;	11447
(Q) Procedures for receiving, recording, and responding to	11448
complaints;	11449
(R) Standards providing for the needs of children who have	11450
disabilities or who receive treatment for health conditions	11451
while the child is receiving child care or publicly funded child	11452
care in the type B home;	11453
(S) Requirements for the amount of usable indoor floor	11454
space for each child;	11455
(T) Requirements for safe outdoor play space;	11456
(U) Qualification and training requirements for	11457
administrators and employees, which shall not include requiring	11458
an administrator or employee to hold or obtain a bachelor's,	11459
master's, or doctoral degree;	11460
(V) Procedures for granting a parent <u>or legal custodian</u>	11461
who is the <del>residential-designated</del> parent and legal custodian, or	11462
a <u>legal</u> custodian or guardian access to the type B home during	11463
its hours of operation;	11464
(W) Requirements for the type B home to notify parents	11465
with children in the type B home that the type B home is	11466
certified as a foster home under section 5103.03 of the Revised	11467
Code;	11468
(X) Minimum requirements for instructional time for type B	11469

homes rated through the step up to quality program established 11470  
pursuant to section 5104.29 of the Revised Code; 11471

(Y) Any other procedures and standards necessary to carry 11472  
out the provisions of this chapter regarding licensure of type B 11473  
homes. 11474

**Sec. 5104.039.** (A) Any parent ~~who is the residential~~ 11475  
~~parent and or~~ legal custodian of a child enrolled in a child 11476  
care center and any custodian or guardian of such a child shall 11477  
be permitted unlimited access to the center during its hours of 11478  
operation for the purposes of contacting their children, 11479  
evaluating the care provided by the center, evaluating the 11480  
premises of the center, or for other purposes approved by the 11481  
director. ~~A parent of a child enrolled in a child care center~~ 11482  
~~who is not the child's residential parent shall be permitted~~ 11483  
~~unlimited access to the center during its hours of operation for~~ 11484  
~~those purposes under the same terms and conditions under which~~ 11485  
~~the residential parent of that child is permitted access to the~~ 11486  
~~center for those purposes.~~ However, the access of the a parent 11487  
~~who is not the residential parent or legal custodian~~ is subject 11488  
to any agreement between the parents or legal custodian and, to 11489  
the extent described in division (B) of this section, is subject 11490  
to any terms and conditions limiting the right of access of the 11491  
parent ~~who is not the residential parent or legal custodian~~, as 11492  
described in ~~division (I) of section 3109.051~~ sections 3109.0521 11493  
to 3109.0524 of the Revised Code, that are contained in a 11494  
~~parenting time order or decree issued under that~~ 11495  
~~section~~ parenting plan under section 3109.044 of the Revised 11496  
Code, section 3109.12 of the Revised Code, or any other 11497  
provision of the Revised Code. 11498

(B) If a parent ~~who is the residential parent or legal~~ 11499



custodian of a child has presented the administrator or the 11500  
administrator's designee with a copy of a parenting ~~time order~~ 11501  
plan that limits the terms and conditions under which the other 11502  
parent ~~who is not the residential parent or legal custodian~~ is 11503  
to have access to the center, as described in ~~division (I) of~~ 11504  
~~section 3109.051~~ sections 3109.0521 to 3109.0524 of the Revised 11505  
Code, the parent ~~who is not the residential parent or legal~~ 11506  
custodian shall be provided access to the center only to the 11507  
extent authorized in the order. If the ~~residential parent or~~ 11508  
legal custodian has presented such an order, the other parent 11509  
~~who is not the residential parent or legal custodian~~ shall be 11510  
permitted access to the center only in accordance with the most 11511  
recent order that has been presented to the administrator or the 11512  
administrator's designee by the ~~residential parent or the parent~~ 11513  
~~who is not the residential parent~~ legal custodian. 11514

(C) Upon entering the premises pursuant to division (A) or 11515  
(B) of this section, the parent ~~who is the residential parent~~ 11516  
~~and or legal custodian, the parent who is not the residential~~ 11517  
~~parent,~~ or the custodian or guardian shall notify the 11518  
administrator or the administrator's designee of the parent's, 11519  
custodian's, or guardian's presence. 11520

**Sec. 5107.02.** As used in this chapter: 11521

(A) "Adult" means an individual who is not a minor child. 11522

(B) "Assistance group" means a group of individuals 11523  
treated as a unit for purposes of determining eligibility for 11524  
and the amount of assistance provided under Ohio works first. 11525

(C) "Custodian" means an individual who has legal custody, 11526  
as defined in section 2151.011 of the Revised Code, of a minor 11527  
child or comparable status over a minor child created by a court 11528

of competent jurisdiction in another state.	11529
(D) "Domestic violence" means being subjected to any of	11530
the following:	11531
(1) Physical acts that resulted in, or threatened to	11532
result in, physical injury to the individual;	11533
(2) Sexual abuse;	11534
(3) Sexual activity involving a dependent child;	11535
(4) Being forced as the caretaker relative of a dependent	11536
child to engage in nonconsensual sexual acts or activities;	11537
(5) Threats of, or attempts at, physical or sexual abuse;	11538
(6) Mental abuse;	11539
(7) Neglect or deprivation of medical care.	11540
(E) "Guardian" means an individual that is granted	11541
authority by a probate court pursuant to Chapter 2111. of the	11542
Revised Code, or a court of competent jurisdiction in another	11543
state, to exercise <del>parental rights</del> <u>parenting responsibilities</u>	11544
over a minor child to the extent provided in the court's order	11545
and subject to residual parental rights of the minor child's	11546
parents.	11547
(F) "LEAP program" means the learning, earning, and	11548
parenting program conducted under section 5107.30 of the Revised	11549
Code.	11550
(G) "Minor child" means either of the following:	11551
(1) An individual who has not attained age eighteen;	11552
(2) An individual who has not attained age nineteen and is	11553
a full-time student in a secondary school or in the equivalent	11554

level of vocational or technical training. 11555

(H) "Minor head of household" means a minor child who is 11556  
either of the following: 11557

(1) Is married, pregnant, and a member of an assistance 11558  
group that does not include an adult; 11559

(2) Is married and is a parent of a child included in the 11560  
same assistance group that does not include an adult. 11561

(I) "Ohio works first" means the program established by 11562  
this chapter known as temporary assistance for needy families in 11563  
Title IV-A. 11564

(J) "Payment standard" means the amount specified in rules 11565  
adopted under section 5107.05 of the Revised Code that is the 11566  
maximum amount of cash assistance an assistance group may 11567  
receive under Ohio works first from state and federal funds. 11568

(K) "Specified relative" means the following individuals 11569  
who are age eighteen or older: 11570

(1) The following individuals related by blood or 11571  
adoption: 11572

(a) Grandparents, including grandparents with the prefix 11573  
"great," "great-great," or "great-great-great"; 11574

(b) Siblings; 11575

(c) Aunts, uncles, nephews, and nieces, including such 11576  
relatives with the prefix "great," "great-great," "grand," or 11577  
"great-grand"; 11578

(d) First cousins and first cousins once removed. 11579

(2) Stepparents and stepsiblings; 11580

(3) Spouses and former spouses of individuals named in 11581  
division (K)(1) or (2) of this section. 11582

(L) "Title IV-A" or "Title IV-D" means Title IV-A or Title 11583  
IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 11584  
U.S.C. 301, as amended. 11585

**Sec. 5120.652.** To participate in the prison nursery 11586  
program, each eligible inmate selected by the department shall 11587  
do all the following: 11588

(A) Agree in writing to do all the following: 11589

(1) Comply with any program, educational, counseling, and 11590  
other requirements established for the program by the department 11591  
of rehabilitation and correction; 11592

(2) If eligible, have the child participate in the 11593  
medicaid program or a health insurance program; 11594

(3) Accept the normal risks of childrearing; 11595

(4) Abide by any court decisions regarding the allocation 11596  
of ~~parental rights and parenting responsibilities with respect~~ 11597  
~~to the child.~~ 11598

(B) Assign to the department any rights to support from 11599  
any other person, excluding support assigned pursuant to section 11600  
5107.20 of the Revised Code and medical support assigned 11601  
pursuant to section 5160.38 of the Revised Code; 11602

(C) Specify with whom the child is to be placed in the 11603  
event the inmate's participation in the program is terminated 11604  
for a reason other than release from imprisonment. 11605

**Sec. 5120.653.** An inmate's participation in the prison 11606  
nursery program may be terminated by the department of 11607

rehabilitation and correction if one of the following occurs: 11608

(A) The inmate fails to comply with the agreement entered 11609  
into under division (A) of section 5120.652 of the Revised Code. 11610

(B) The inmate's child becomes seriously ill, cannot meet 11611  
medical criteria established by the department of rehabilitation 11612  
and correction for the program, or otherwise cannot safely 11613  
participate in the program. 11614

(C) A court issues an order that designates a person other 11615  
than the inmate as the child's ~~residential-designated~~ parent and 11616  
legal custodian. 11617

(D) A juvenile court, in an action brought pursuant to 11618  
division (A) (2) of section 2151.23 of the Revised Code, grants 11619  
custody of the child to a person other than the inmate. 11620

(E) An order ~~is~~was issued pursuant to section 3109.04 of 11621  
the Revised Code, as that section existed prior to the amendment 11622  
of this section, granting shared parenting of the child or an 11623  
allocation of parenting responsibilities is issued under 11624  
sections 3109.04 to 3109.0499 of the Revised Code. 11625

(F) An order of disposition regarding the child is issued 11626  
pursuant to division (A) (2), (3), or (4) of section 2151.353 of 11627  
the Revised Code granting temporary, permanent, or legal custody 11628  
of the child to a person, other than the inmate, or to a public 11629  
children services agency or private child placing agency. 11630

(G) The inmate is released from imprisonment. 11631

**Sec. 5123.01.** As used in this chapter: 11632

(A) "Chief medical officer" means the licensed physician 11633  
appointed by the managing officer of an institution for persons 11634  
with intellectual disabilities with the approval of the director 11635

of developmental disabilities to provide medical treatment for 11636  
residents of the institution. 11637

(B) "Chief program director" means a person with special 11638  
training and experience in the diagnosis and management of 11639  
persons with developmental disabilities, certified according to 11640  
division (C) of this section in at least one of the designated 11641  
fields, and appointed by the managing officer of an institution 11642  
for persons with intellectual disabilities with the approval of 11643  
the director to provide habilitation and care for residents of 11644  
the institution. 11645

(C) "Comprehensive evaluation" means a study, including a 11646  
sequence of observations and examinations, of a person leading 11647  
to conclusions and recommendations formulated jointly, with 11648  
dissenting opinions if any, by a group of persons with special 11649  
training and experience in the diagnosis and management of 11650  
persons with developmental disabilities, which group shall 11651  
include individuals who are professionally qualified in the 11652  
fields of medicine, psychology, and social work, together with 11653  
such other specialists as the individual case may require. 11654

(D) "Education" means the process of formal training and 11655  
instruction to facilitate the intellectual and emotional 11656  
development of residents. 11657

(E) "Habilitation" means the process by which the staff of 11658  
the institution assists the resident in acquiring and 11659  
maintaining those life skills that enable the resident to cope 11660  
more effectively with the demands of the resident's own person 11661  
and of the resident's environment and in raising the level of 11662  
the resident's physical, mental, social, and vocational 11663  
efficiency. Habilitation includes but is not limited to programs 11664  
of formal, structured education and training. 11665

(F) "Health officer" means any public health physician, 11666  
public health nurse, or other person authorized or designated by 11667  
a city or general health district. 11668

(G) "Home and community-based services" means medicaid- 11669  
funded home and community-based services specified in division 11670  
(A) (1) of section 5166.20 of the Revised Code provided under the 11671  
medicaid waiver components the department of developmental 11672  
disabilities administers pursuant to section 5166.21 of the 11673  
Revised Code. Except as provided in section 5123.0412 of the 11674  
Revised Code, home and community-based services provided under 11675  
the medicaid waiver component known as the transitions 11676  
developmental disabilities waiver are to be considered to be 11677  
home and community-based services for the purposes of this 11678  
chapter, and Chapters 5124. and 5126. of the Revised Code, only 11679  
to the extent, if any, provided by the contract required by 11680  
section 5166.21 of the Revised Code regarding the waiver. 11681

(H) "ICF/IID" and "ICF/IID services" have the same 11682  
meanings as in section 5124.01 of the Revised Code. 11683

(I) "Indigent person" means a person who is unable, 11684  
without substantial financial hardship, to provide for the 11685  
payment of an attorney and for other necessary expenses of legal 11686  
representation, including expert testimony. 11687

(J) "Institution" means a public or private facility, or a 11688  
part of a public or private facility, that is licensed by the 11689  
appropriate state department and is equipped to provide 11690  
residential habilitation, care, and treatment for persons with 11691  
intellectual disabilities. 11692

(K) "Licensed physician" means a person who holds a valid 11693  
license issued under Chapter 4731. of the Revised Code 11694

authorizing the person to practice medicine and surgery or 11695  
osteopathic medicine and surgery, or a medical officer of the 11696  
government of the United States while in the performance of the 11697  
officer's official duties. 11698

(L) "Managing officer" means a person who is appointed by 11699  
the director of developmental disabilities to be in executive 11700  
control of an institution under the jurisdiction of the 11701  
department of developmental disabilities. 11702

(M) "Medicaid case management services" means case 11703  
management services provided to an individual with a 11704  
developmental disability that the state medicaid plan requires. 11705

(N) "Intellectual disability" means a disability 11706  
characterized by having significantly subaverage general 11707  
intellectual functioning existing concurrently with deficiencies 11708  
in adaptive behavior, manifested during the developmental 11709  
period. 11710

(O) "Person with an intellectual disability subject to 11711  
institutionalization by court order" means a person eighteen 11712  
years of age or older with at least a moderate level of 11713  
intellectual disability and in relation to whom, because of the 11714  
person's disability, either of the following conditions exists: 11715

(1) The person represents a very substantial risk of 11716  
physical impairment or injury to self as manifested by evidence 11717  
that the person is unable to provide for and is not providing 11718  
for the person's most basic physical needs and that provision 11719  
for those needs is not available in the community; 11720

(2) The person needs and is susceptible to significant 11721  
habilitation in an institution. 11722

(P) "Moderate level of intellectual disability" means the 11723



condition in which a person, following a comprehensive 11724  
evaluation, is found to have at least moderate deficits in 11725  
overall intellectual functioning, as indicated by a full-scale 11726  
intelligence quotient test score of fifty-five or below, and at 11727  
least moderate deficits in adaptive behavior, as determined in 11728  
accordance with the criteria established in the fifth edition of 11729  
the diagnostic and statistical manual of mental disorders 11730  
published by the American psychiatric association. 11731

(Q) "Developmental disability" means a severe, chronic 11732  
disability that is characterized by all of the following: 11733

(1) It is attributable to a mental or physical impairment 11734  
or a combination of mental and physical impairments, other than 11735  
a mental or physical impairment solely caused by mental illness, 11736  
as defined in division (A) of section 5122.01 of the Revised 11737  
Code. 11738

(2) It is manifested before age twenty-two. 11739

(3) It is likely to continue indefinitely. 11740

(4) It results in one of the following: 11741

(a) In the case of a person under three years of age, at 11742  
least one developmental delay, as defined in rules adopted under 11743  
section 5123.011 of the Revised Code, or a diagnosed physical or 11744  
mental condition that has a high probability of resulting in a 11745  
developmental delay, as defined in those rules; 11746

(b) In the case of a person at least three years of age 11747  
but under six years of age, at least two developmental delays, 11748  
as defined in rules adopted under section 5123.011 of the 11749  
Revised Code; 11750

(c) In the case of a person six years of age or older, a 11751

substantial functional limitation in at least three of the 11752  
following areas of major life activity, as appropriate for the 11753  
person's age: self-care, receptive and expressive language, 11754  
learning, mobility, self-direction, capacity for independent 11755  
living, and, if the person is at least sixteen years of age, 11756  
capacity for economic self-sufficiency. 11757

(5) It causes the person to need a combination and 11758  
sequence of special, interdisciplinary, or other type of care, 11759  
treatment, or provision of services for an extended period of 11760  
time that is individually planned and coordinated for the 11761  
person. 11762

"Developmental disability" includes intellectual 11763  
disability. 11764

(R) "State institution" means an institution that is tax- 11765  
supported and under the jurisdiction of the department of 11766  
developmental disabilities. 11767

(S) "Residence" and "legal residence" have the same 11768  
meaning as "legal settlement," which is acquired by residing in 11769  
Ohio for a period of one year without receiving general 11770  
assistance prior to July 17, 1995, under former Chapter 5113. of 11771  
the Revised Code, without receiving financial assistance prior 11772  
to December 31, 2017, under former Chapter 5115. of the Revised 11773  
Code, or assistance from a private agency that maintains records 11774  
of assistance given. A person having a legal settlement in the 11775  
state shall be considered as having legal settlement in the 11776  
assistance area in which the person resides. No adult person 11777  
coming into this state and having a spouse or minor children 11778  
residing in another state shall obtain a legal settlement in 11779  
this state as long as the spouse or minor children are receiving 11780  
public assistance, care, or support at the expense of the other 11781

state or its subdivisions. For the purpose of determining the 11782  
legal settlement of a person who is living in a public or 11783  
private institution or in a home subject to licensing by the 11784  
department of job and family services, the department of mental 11785  
health and addiction services, or the department of 11786  
developmental disabilities, the residence of the person shall be 11787  
considered as though the person were residing in the county in 11788  
which the person was living prior to the person's entrance into 11789  
the institution or home. Settlement once acquired shall continue 11790  
until a person has been continuously absent from Ohio for a 11791  
period of one year or has acquired a legal residence in another 11792  
state. A woman who marries a man with legal settlement in any 11793  
county immediately acquires the settlement of her husband. The 11794  
legal settlement of a minor is that of the parents, surviving 11795  
parent, sole parent, parent who is designated the ~~residential-~~ 11796  
designated parent and legal custodian by a court, other adult 11797  
having permanent custody awarded by a court, or guardian of the 11798  
person of the minor, provided that: 11799

(1) A minor female who marries shall be considered to have 11800  
the legal settlement of her husband and, in the case of death of 11801  
her husband or divorce, she shall not thereby lose her legal 11802  
settlement obtained by the marriage. 11803

(2) A minor male who marries, establishes a home, and who 11804  
has resided in this state for one year without receiving general 11805  
assistance prior to July 17, 1995, under former Chapter 5113. of 11806  
the Revised Code or assistance from a private agency that 11807  
maintains records of assistance given shall be considered to 11808  
have obtained a legal settlement in this state. 11809

(3) The legal settlement of a child under eighteen years 11810  
of age who is in the care or custody of a public or private 11811

child caring agency shall not change if the legal settlement of 11812  
the parent changes until after the child has been in the home of 11813  
the parent for a period of one year. 11814

No person, adult or minor, may establish a legal 11815  
settlement in this state for the purpose of gaining admission to 11816  
any state institution. 11817

(T) (1) "Resident" means, subject to division (T) (2) of 11818  
this section, a person who is admitted either voluntarily or 11819  
involuntarily to an institution or other facility pursuant to 11820  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 11821  
Code subsequent to a finding of not guilty by reason of insanity 11822  
or incompetence to stand trial or under this chapter who is 11823  
under observation or receiving habilitation and care in an 11824  
institution. 11825

(2) "Resident" does not include a person admitted to an 11826  
institution or other facility under section 2945.39, 2945.40, 11827  
2945.401, or 2945.402 of the Revised Code to the extent that the 11828  
reference in this chapter to resident, or the context in which 11829  
the reference occurs, is in conflict with any provision of 11830  
sections 2945.37 to 2945.402 of the Revised Code. 11831

(U) "Respondent" means the person whose detention, 11832  
commitment, or continued commitment is being sought in any 11833  
proceeding under this chapter. 11834

(V) "Working day" and "court day" mean Monday, Tuesday, 11835  
Wednesday, Thursday, and Friday, except when such day is a legal 11836  
holiday. 11837

(W) "Prosecutor" means the prosecuting attorney, village 11838  
solicitor, city director of law, or similar chief legal officer 11839  
who prosecuted a criminal case in which a person was found not 11840

guilty by reason of insanity, who would have had the authority 11841  
to prosecute a criminal case against a person if the person had 11842  
not been found incompetent to stand trial, or who prosecuted a 11843  
case in which a person was found guilty. 11844

(X) "Court" means the probate division of the court of 11845  
common pleas. 11846

(Y) "Supported living" and "residential services" have the 11847  
same meanings as in section 5126.01 of the Revised Code. 11848

**Sec. 5153.16.** (A) Except as provided in section 2151.422 11849  
of the Revised Code, in accordance with rules adopted under 11850  
section 5153.166 of the Revised Code, and on behalf of children 11851  
in the county whom the public children services agency considers 11852  
to be in need of public care or protective services, the public 11853  
children services agency shall do all of the following: 11854

(1) Make an investigation concerning any child alleged to 11855  
be an abused, neglected, or dependent child; 11856

(2) Enter into agreements with the parent, guardian, or 11857  
other person having legal custody of any child, or with the 11858  
department of children and youth, department of mental health 11859  
and addiction services, department of developmental 11860  
disabilities, other department, any certified organization 11861  
within or outside the county, or any agency or institution 11862  
outside the state, having legal custody of any child, with 11863  
respect to the custody, care, or placement of any child, or with 11864  
respect to any matter, in the interests of the child, provided 11865  
the permanent custody of a child shall not be transferred by a 11866  
parent to the public children services agency without the 11867  
consent of the juvenile court; 11868

(3) Enter into a contract with an agency providing 11869

prevention services in an effort to prevent neglect or abuse, to 11870  
enhance a child's welfare, and to preserve the family unit 11871  
intact. 11872

(4) Accept custody of children committed to the public 11873  
children services agency by a court exercising juvenile 11874  
jurisdiction; 11875

(5) Provide such care as the public children services 11876  
agency considers to be in the best interests of any child 11877  
adjudicated to be an abused, neglected, or dependent child the 11878  
agency finds to be in need of public care or service; 11879

(6) Provide social services to any unmarried girl 11880  
adjudicated to be an abused, neglected, or dependent child who 11881  
is pregnant with or has been delivered of a child; 11882

(7) Make available to the children with medical handicaps 11883  
program of the department of health at its request any 11884  
information concerning a child with a disability found to be in 11885  
need of treatment under sections 3701.021 to 3701.028 of the 11886  
Revised Code who is receiving services from the public children 11887  
services agency; 11888

(8) Provide temporary emergency care for any child 11889  
considered by the public children services agency to be in need 11890  
of such care, without agreement or commitment; 11891

(9) Find certified foster homes, within or outside the 11892  
county, for the care of children, including children with 11893  
disabilities from other counties attending special schools in 11894  
the county; 11895

(10) Subject to the approval of the board of county 11896  
commissioners and the department of children and youth, 11897  
establish and operate a training school or enter into an 11898

agreement with any municipal corporation or other political 11899  
subdivision of the county respecting the operation, acquisition, 11900  
or maintenance of any children's home, training school, or other 11901  
institution for the care of children maintained by such 11902  
municipal corporation or political subdivision; 11903

(11) Acquire and operate a county children's home, 11904  
establish, maintain, and operate a receiving home for the 11905  
temporary care of children, or procure certified foster homes 11906  
for this purpose; 11907

(12) Enter into an agreement with the trustees of any 11908  
district children's home, respecting the operation of the 11909  
district children's home in cooperation with the other county 11910  
boards in the district; 11911

(13) Cooperate with, make its services available to, and 11912  
act as the agent of persons, courts, the department of children 11913  
and youth, the department of health, and other organizations 11914  
within and outside the state, in matters relating to the welfare 11915  
of children, except that the public children services agency 11916  
shall not be required to provide supervision of or other 11917  
services related to the exercise of parenting time ~~rights~~ 11918  
~~granted under a parenting plan pursuant to section 3109.051-~~ 11919  
3109.044 or 3109.12 of the Revised Code or companionship or 11920  
visitation rights granted pursuant to section ~~3109.051~~3109.054, 11921  
3109.11, or 3109.12 of the Revised Code unless a juvenile court, 11922  
pursuant to Chapter 2151. of the Revised Code, or a common pleas 11923  
court, pursuant to division (E) (6) of section 3113.31 of the 11924  
Revised Code, requires the provision of supervision or other 11925  
services related to the exercise of the parenting time rights or 11926  
companionship or visitation rights; 11927

(14) Make investigations at the request of any 11928

superintendent of schools in the county or the principal of any 11929  
school concerning the application of any child adjudicated to be 11930  
an abused, neglected, or dependent child for release from 11931  
school, where such service is not provided through a school 11932  
attendance department; 11933

(15) Administer funds provided under Title IV-E of the 11934  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 11935  
amended, in accordance with rules adopted under section 5101.141 11936  
of the Revised Code; 11937

(16) In addition to administering Title IV-E adoption 11938  
assistance funds, enter into agreements to make adoption 11939  
assistance payments under section 5153.163 of the Revised Code; 11940

(17) Implement a system of safety and risk assessment, in 11941  
accordance with rules adopted by the director of children and 11942  
youth, to assist the public children services agency in 11943  
determining the risk of abuse or neglect to a child; 11944

(18) Enter into a plan of cooperation with the board of 11945  
county commissioners under section 307.983 of the Revised Code 11946  
and comply with each fiscal agreement the board enters into 11947  
under section 307.98 of the Revised Code that include family 11948  
services duties of public children services agencies and 11949  
contracts the board enters into under sections 307.981 and 11950  
307.982 of the Revised Code that affect the public children 11951  
services agency; 11952

(19) Make reasonable efforts to prevent the removal of an 11953  
alleged or adjudicated abused, neglected, or dependent child 11954  
from the child's home, eliminate the continued removal of the 11955  
child from the child's home, or make it possible for the child 11956  
to return home safely, except that reasonable efforts of that 11957



nature are not required when a court has made a determination 11958  
under division (A) (2) of section 2151.419 of the Revised Code; 11959

(20) Make reasonable efforts to place the child in a 11960  
timely manner in accordance with the permanency plan approved 11961  
under division (E) of section 2151.417 of the Revised Code and 11962  
to complete whatever steps are necessary to finalize the 11963  
permanent placement of the child; 11964

(21) Administer a Title IV-A program identified under 11965  
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 11966  
that the department of children and youth provides for the 11967  
public children services agency to administer under the 11968  
department's supervision pursuant to section 5101.801 of the 11969  
Revised Code; 11970

(22) Administer the kinship permanency incentive program 11971  
created under section 5101.802 of the Revised Code under the 11972  
supervision of the director of children and youth; 11973

(23) Provide independent living services pursuant to 11974  
sections 2151.81 to 2151.84 of the Revised Code; 11975

(24) File a missing child report with a local law 11976  
enforcement agency upon becoming aware that a child in the 11977  
custody of the public children services agency is or may be 11978  
missing. 11979

(B) The public children services agency shall use the 11980  
system implemented pursuant to division (A) (17) of this section 11981  
in connection with an investigation undertaken pursuant to 11982  
division (G) (1) of section 2151.421 of the Revised Code to 11983  
assess both of the following: 11984

(1) The ongoing safety of the child; 11985

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.	11986 11987 11988
(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of children and youth, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:	11989 11990 11991 11992 11993 11994
(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;	11995 11996 11997 11998 11999
(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:	12000 12001 12002
(i) County departments of job and family services;	12003
(ii) Boards of alcohol, drug addiction, and mental health services;	12004 12005
(iii) County boards of developmental disabilities;	12006
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	12007 12008
(v) Private and government providers of services;	12009
(vi) Managed care organizations and prepaid health plans.	12010
(b) A public children services agency contract under division (C) (2) (a) of this section regarding the agency's duties	12011 12012

under section 2151.421 of the Revised Code may not provide for 12013  
the entity under contract with the agency to perform any service 12014  
not authorized by the department's rules. 12015

(c) Only a county children services board appointed under 12016  
section 5153.03 of the Revised Code that is a public children 12017  
services agency may contract under division (C) (2) (a) of this 12018  
section. If an entity specified in division (B) or (C) of 12019  
section 5153.02 of the Revised Code is the public children 12020  
services agency for a county, the board of county commissioners 12021  
may enter into contracts pursuant to section 307.982 of the 12022  
Revised Code regarding the agency's duties. 12023

**Sec. 5180.14.** (A) As used in this section and sections 12024  
5180.15, 5180.16, and 5180.17 of the Revised Code: 12025

(1) "Child care center," "type A family child care home," 12026  
and "licensed type B family child care home" have the same 12027  
meanings as in section 5104.01 of the Revised Code. 12028

(2) "Child care facility" means a child care center, a 12029  
type A family child care home, or a licensed type B family child 12030  
care home. 12031

(3) "Foster caregiver" has the same meaning as in section 12032  
5103.02 of the Revised Code. 12033

(4) "Freestanding birthing center" has the same meaning as 12034  
in section 3701.503 of the Revised Code. 12035

(5) "Hospital" has the same meaning as in section 3722.01 12036  
of the Revised Code to which either of the following applies: 12037

(a) The hospital has a maternity unit. 12038

(b) The hospital receives for care infants who have been 12039  
transferred to it from other facilities and who have never been 12040

discharged to their residences following birth.	12041
(6) "Infant" means a child who is less than one year of age.	12042 12043
(7) "Maternity unit" means the distinct portion of a hospital in which maternity services are provided.	12044 12045
(8) "Other person responsible for the infant" includes a foster caregiver.	12046 12047
(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent <u>or legal custodian</u> who is the <del>residential</del> <u>designated</u> parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.	12048 12049 12050 12051 12052 12053
(10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.	12054 12055 12056 12057 12058
(B) The director of children and youth shall establish the shaken baby syndrome education program by doing all of the following:	12059 12060 12061
(1) Developing educational materials that present readily comprehensible information on shaken baby syndrome;	12062 12063
(2) Making available on the department of children and youth web site in an easily accessible format the educational materials developed under division (B) (1) of this section;	12064 12065 12066
(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following:	12067 12068

(a) Evaluating the reports received pursuant to section 5101.135 of the Revised Code;	12069 12070
(b) Reviewing the content of the educational materials to determine if updates or improvements should be made;	12071 12072
(c) Reviewing the manner in which the educational materials are distributed, as described in section 5180.15 of the Revised Code, to determine if modifications to that manner should be made.	12073 12074 12075 12076
(C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to the extent possible, minimize administrative or financial burdens on any of the entities or persons listed in section 5180.15 of the Revised Code.	12077 12078 12079 12080 12081
<b>Section 2.</b> That existing sections 109.65, 313.121, 1713.55, 1733.242, 2108.81, 2111.08, 2151.011, 2151.23, 2151.33, 2151.90, 2301.03, 2307.50, 2317.02, 2701.03, 2705.031, 2901.30, 3101.041, 3105.011, 3105.21, 3105.63, 3105.65, 3109.03, 3109.04, 3109.043, 3109.05, 3109.051, 3109.052, 3109.054, 3109.055, 3109.06, 3109.061, 3109.09, 3109.11, 3109.12, 3109.401, 3109.41, 3109.42, 3109.43, 3109.44, 3109.47, 3109.48, 3109.50, 3109.51, 3109.52, 3109.53, 3109.55, 3109.56, 3109.58, 3109.60, 3109.65, 3109.66, 3109.68, 3109.74, 3111.13, 3111.26, 3111.381, 3113.31, 3119.01, 3119.06, 3119.07, 3119.08, 3119.24, 3119.82, 3119.87, 3119.964, 3125.03, 3125.06, 3125.43, 3127.01, 3127.11, 3127.23, 3127.35, 3310.51, 3313.205, 3313.64, 3313.666, 3313.672, 3313.712, 3313.96, 3313.98, 3319.321, 3321.01, 3323.143, 3328.01, 3332.25, 3333.26, 3345.85, 3701.503, 3780.33, 3796.24, 3902.13, 3924.47, 5104.017, 5104.018, 5104.039, 5107.02, 5120.652, 5120.653, 5123.01, 5153.16, and 5180.14 of the Revised Code are hereby repealed.	12082 12083 12084 12085 12086 12087 12088 12089 12090 12091 12092 12093 12094 12095 12096 12097 12098

**Section 3.** That sections 3109.041, 3109.042, and 3109.053 12099  
of the Revised Code are hereby repealed. 12100

**Section 4.** Upon the enactment of this act, the General 12101  
Assembly requests each court with jurisdiction over domestic 12102  
relations matters to review and update the court's local rules 12103  
regarding parenting time to comply with the act's provisions, 12104  
including section 3109.401 of the Revised Code. 12105

**Section 5.** The General Assembly, applying the principle 12106  
stated in division (B) of section 1.52 of the Revised Code that 12107  
amendments are to be harmonized if reasonably capable of 12108  
simultaneous operation, finds that the following sections, 12109  
presented in this act as composites of the sections as amended 12110  
by the acts indicated, are the resulting versions of the 12111  
sections in effect prior to the effective date of the sections 12112  
as presented in this act: 12113

Section 2151.23 of the Revised Code as amended by H.B. 12114  
110, H.B. 281, H.B. 518, and S.B. 288, all of the 134th General 12115  
Assembly. 12116

Section 2301.03 of the Revised Code as amended by H.B. 33 12117  
and S.B. 21, both of the 135th General Assembly, and H.B. 518 of 12118  
the 134th General Assembly. 12119