

**As Re-Referred by the House Rules and Reference Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 14**

**Representatives Creech, John**

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**A BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

(d) The individual who received crisis response services 730

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

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

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

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

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

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

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

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

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

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

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

enforcement agency. 814

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A court proceeding involving a misdemeanor;

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

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



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

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

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

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

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

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

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

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

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

or trustee of the deferred compensation program of the municipal 1018  
corporation during the marriage and any income that is derived 1019  
from the investment of those moneys during the marriage; 1020

(c) The moneys that have been deferred by an officer or 1021  
employee of a government unit, as defined in section 148.06 of 1022  
the Revised Code, and that have been transmitted to the 1023  
governing board, as defined in that section, during the marriage 1024  
and any income that is derived from the investment of those 1025  
moneys during the marriage. 1026

(3) The separation agreement shall not require or permit 1027  
the division or disbursement of the moneys and income described 1028  
in division (A) (2) of this section to occur in a manner that is 1029  
inconsistent with the law, rules, or plan governing the deferred 1030  
compensation program involved or prior to the time that the 1031  
spouse in whose name the participant account is maintained 1032  
commences receipt of the moneys and income credited to the 1033  
account in accordance with that law, rules, and plan. 1034

(B) An amended separation agreement may be filed at any 1035  
time prior to or during the hearing on the petition for 1036  
dissolution of marriage. Upon receipt of a petition for 1037  
dissolution of marriage, the court may cause an investigation to 1038  
be made pursuant to the Rules of Civil Procedure. 1039

(C) (1) If a petition for dissolution of marriage contains 1040  
an authorization for the court to modify the amount or terms of 1041  
spousal support provided in the separation agreement, the 1042  
modification shall be in accordance with section 3105.18 of the 1043  
Revised Code. 1044

(2) If a petition for dissolution of marriage contains an 1045  
authorization for the court to modify the division of property 1046

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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~~(b) The approval of a plan under division (D) (1) (a) (ii) or (iii) of this section is discretionary with the court. The court shall not approve more than one plan under either division and shall not approve a plan under either division unless it determines that the plan is in the best interest of the children. If the court, under either division, does not determine that any filed plan or any filed plan with submitted changes is in the best interest of the children, the court shall not approve any plan.~~ 1356  
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~~(c) Whenever possible, the court shall require that a shared parenting plan approved under division (D) (1) (a) (i), (ii), or (iii) of this section ensure the opportunity for both parents to have frequent and continuing contact with the child, unless frequent and continuing contact with any parent would not be in the best interest of the child.~~ 1365  
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~~(d) If a court approves a shared parenting plan under division (D) (1) (a) (i), (ii), or (iii) of this section, the approved plan shall be incorporated into a final shared parenting decree granting the parents the shared parenting of the children. Any final shared parenting decree shall be issued at the same time as and shall be appended to the final decree of dissolution, divorce, annulment, or legal separation arising out of the action out of which the question of the allocation of parental rights and responsibilities for the care of the children arose.~~ 1371  
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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~~ 1381  
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~~modification or termination as authorized by this section.~~ 1386

~~(2) If the court finds, with respect to any child under  
eighteen years of age, that it is in the best interest of the  
child for neither parent to be designated the residential parent  
and legal custodian of the child, it may commit the child to a  
relative of the child or certify a copy of its findings,  
together with as much of the record and the further information,  
in narrative form or otherwise, that it considers necessary or  
as the juvenile court requests, to the juvenile court for  
further proceedings, and, upon the certification, the juvenile  
court has exclusive jurisdiction.~~ 1387  
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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  
of the prior decree, that a change has occurred in the  
circumstances of the child, the child's residential parent, or  
either of the parents subject to a shared parenting decree, and  
that the modification is necessary to serve the best interest of  
the child. In applying these standards, the court shall retain  
the residential parent designated by the prior decree or the  
prior shared parenting decree, unless a modification is in the  
best interest of the child and one of the following applies:~~ 1397  
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~~(i) The residential parent agrees to a change in the  
residential parent or both parents under a shared parenting  
decree agree to a change in the designation of residential  
parent.~~ 1409  
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~~(ii) The child, with the consent of the residential parent  
or of both parents under a shared parenting decree, has been  
integrated into the family of the person seeking to become the~~ 1413  
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~~residential parent.~~ 1416

~~(iii) The harm likely to be caused by a change of  
environment is outweighed by the advantages of the change of  
environment to the child.~~ 1417  
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~~(b) One or both of the parents under a prior decree  
allocating parental rights and responsibilities for the care of  
children that is not a shared parenting decree may file a motion  
requesting that the prior decree be modified to give both  
parents shared rights and responsibilities for the care of the  
children. The motion shall include both a request for  
modification of the prior decree and a request for a shared  
parenting order that complies with division (G) of this section.  
Upon the filing of the motion, if the court determines that a  
modification of the prior decree is authorized under division  
(E) (1) (a) of this section, the court may modify the prior decree  
to grant a shared parenting order, provided that the court shall  
not modify the prior decree to grant a shared parenting order  
unless the court complies with divisions (A) and (D) (1) of this  
section and, in accordance with those divisions, approves the  
submitted shared parenting plan and determines that shared  
parenting would be in the best interest of the children.~~ 1420  
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~~(2) In addition to a modification authorized under  
division (E) (1) of this section:~~ 1437  
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~~(a) Both parents under a shared parenting decree jointly  
may modify the terms of the plan for shared parenting approved  
by the court and incorporated by it into the shared parenting  
decree. Modifications under this division may be made at any  
time. The modifications to the plan shall be filed jointly by  
both parents with the court, and the court shall include them in  
the plan, unless they are not in the best interest of the~~ 1439  
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~~children. If the modifications are not in the best interests of 1446  
the children, the court, in its discretion, may reject the 1447  
modifications or make modifications to the proposed 1448  
modifications or the plan that are in the best interest of the 1449  
children. Modifications jointly submitted by both parents under 1450  
a shared parenting decree shall be effective, either as 1451  
originally filed or as modified by the court, upon their 1452  
inclusion by the court in the plan. Modifications to the plan 1453  
made by the court shall be effective upon their inclusion by the 1454  
court in the plan. 1455~~

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

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

~~shared parenting decree is attempted under division (E) (2) (a) of  
this section and the court rejects the modifications, it may  
terminate the final shared parenting decree if it determines  
that shared parenting is not in the best interest of the  
children.~~ 1477  
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~~(d) Upon the termination of a prior final shared parenting  
decree under division (E) (2) (c) of this section, the court shall  
proceed and issue a modified decree for the allocation of  
parental rights and responsibilities for the care of the  
children under the standards applicable under divisions (A),  
(B), and (C) of this section as if no decree for shared  
parenting had been granted and as if no request for shared  
parenting ever had been made.~~ 1482  
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~~(F) (1) In determining the best interest of a child  
pursuant to this section, whether on an original decree  
allocating parental rights and responsibilities for the care of  
children or a modification of a decree allocating those rights  
and responsibilities, the court shall consider all relevant  
factors, including, but not limited to:~~ 1490  
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~~(a) The wishes of the child's parents regarding the  
child's care;~~ 1496  
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~~(b) If the court has interviewed the child in chambers  
pursuant to division (B) of this section regarding the child's  
wishes and concerns as to the allocation of parental rights and  
responsibilities concerning the child, the wishes and concerns  
of the child, as expressed to the court;~~ 1498  
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~~(c) The child's interaction and interrelationship with the  
child's parents, siblings, and any other person who may  
significantly affect the child's best interest;~~ 1503  
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~~(d) The child's adjustment to the child's home, school, and community;~~ 1506  
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~~(e) The mental and physical health of all persons involved in the situation;~~ 1508  
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~~(f) The parent more likely to honor and facilitate court-approved parenting time rights or visitation and companionship rights;~~ 1510  
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~~(g) Whether either parent has failed to make all child support payments, including all arrearages, that are required of that parent pursuant to a child support order under which that parent is an obligor;~~ 1513  
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~~(h) Whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of an adjudication; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code or a sexually oriented offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the~~ 1517  
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~~commission of the offense; and whether there is reason to~~ 1536  
~~believe that either parent has acted in a manner resulting in a~~ 1537  
~~child being an abused child or a neglected child;~~ 1538

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

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

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

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

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

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

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

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

~~(3) When allocating parental rights and responsibilities for the care of children, the court shall not give preference to a parent because of that parent's financial status or condition.~~ 1564  
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~~(G) Either parent or both parents of any children may file a pleading or motion with the court requesting the court to grant both parents shared parental rights and responsibilities for the care of the children in a proceeding held pursuant to division (A) of this section. If a pleading or motion requesting shared parenting is filed, the parent or parents filing the pleading or motion also shall file with the court a plan for the exercise of shared parenting by both parents. If each parent files a pleading or motion requesting shared parenting but only one parent files a plan or if only one parent files a pleading or motion requesting shared parenting and also files a plan, the other parent as ordered by the court shall file with the court a plan for the exercise of shared parenting by both parents. The plan for shared parenting shall be filed with the petition for dissolution of marriage, if the question of parental rights and responsibilities for the care of the children arises out of an action for dissolution of marriage, or, in other cases, at a time at least thirty days prior to the hearing on the issue of the parental rights and responsibilities for the care of the children. A plan for shared parenting shall include provisions covering all factors that are relevant to the care of the children, including, but not limited to, provisions covering factors such as physical living arrangements, child support obligations, provision for the children's medical and dental care, school placement, and the parent with which the children will be physically located during legal holidays, school holidays, and other days of special importance.~~ 1567  
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~~(H) If an appeal is taken from a decision of a court that~~ 1594

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

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

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

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

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

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

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

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

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



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

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

(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code. 1659  
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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 operation, duty, or service.~~ 1661  
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~~(3) "Decision-making rights and responsibilities" or "decision-making responsibilities" means the ability to determine aspects of the child's life, including the right and duty to protect, train, and discipline the child and decisions regarding food, living conditions, education, and medical care.~~ 1669  
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(3) "Neglected child" has the same meaning as in section 2151.03 of the Revised Code. 1674  
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(4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 1676  
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~~(5) "Uniformed services" means the United States armed forces, the army national guard, and the air national guard or any reserve component thereof, or the commissioned corps of the United States public health service.~~ 1678  
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~~(K)~~ (B) As used in the Revised Code, "shared: 1682

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

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

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

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

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

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

~~(4) A parent who is not primarily allocated the parental rights and responsibilities for the care of a child and who is not designated as the residential parent and legal custodian of the child under an order that is issued pursuant to this section on or after April 11, 1991, and that does not provide for shared parenting is the "parent who is not the residential parent," the "parent who is not the residential parent and legal custodian," or the "noncustodial parent" of the child under the order.~~ 1740  
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~~(5) Unless the context clearly requires otherwise, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, both parents have "custody of the child" or "care, custody, and control of the child" under the order, to the extent and in the manner specified in the order.~~ 1748  
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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.~~ 1754  
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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~~ 1762  
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~~pursuant to division (A) (2) of this section, does not affect the~~ 1770  
~~designation pursuant to division (L) (6) of this section of each~~ 1771  
~~parent as the "residential parent," the "residential parent and~~ 1772  
~~legal custodian," or the "custodial parent" of the child.~~ 1773

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Determining the school district of attendance; 1842

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The parent's work schedule; 2014

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

(H) Whether either parent has established a residence, or  
is planning to establish a residence, outside this state; 2149  
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(I) The recommendation of the guardian ad litem of the  
child, if the child has a guardian ad litem, provided that the  
court does not rely on the recommendation as the sole basis for  
its determination and the recommendation is subject to the  
policy stated in section 3109.044 of the Revised Code; 2151  
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(J) Whether a parent is totally incapable of supporting or  
caring for the child. 2156  
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**Sec. 3109.0423.** If, based on section 3109.0421 or  
3109.0422 of the Revised Code, the court determines by clear and  
convincing evidence that either or both presumptions under  
section 3109.0420 of the Revised Code are rebutted, the court  
shall determine whether a parent has intentionally done any of  
the following: 2158  
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(A) Misled the court to cause an unnecessary delay,  
increase the cost of litigation, or persuade the court to give  
that parent a preference regarding decision-making rights and  
responsibilities or parenting time, whichever presumption has  
been rebutted; 2164  
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(B) Made false allegations against the other parent of  
harm to the child; 2169  
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(C) Communicated false information to law enforcement, a  
public children services agency, or the court in order to gain a  
tactical advantage in a proceeding to determine the allocation  
of parental rights and responsibilities. 2171  
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**Sec. 3109.0424.** (A) If the court determines by clear and  
convincing evidence that the presumption under section 3109.0420  
of the Revised Code regarding equal decision-making 2175  
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responsibilities between the parents is rebutted, the court 2178  
shall do the following: 2179

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Equal parenting time. 2230

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

parenting time, that parent bears the burden of proof that equal parenting time would be detrimental to the child. If the court determines by clear and convincing evidence that equal parenting time would be detrimental to the child, it shall issue findings of fact and conclusions of law supporting the determination. 2387  
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(b) If requested by a parent when the parents do not agree on the terms of a temporary allocation of parental rights and responsibilities, the court shall provide in the temporary order equal decision-making responsibilities for both parents, unless the court finds by clear and convincing evidence that it would be detrimental to the child. If either parent objects to equal decision-making responsibilities and requests to be designated as the sole residential parent and legal custodian of the child, that parent bears the burden of proof that equal decision-making responsibilities would be detrimental to the child. If the court grants the parent's request for the designation as sole residential parent and legal custodian, it shall issue findings of fact and conclusions of law supporting the determination. 2392  
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(C) If a parent and child relationship has not already been established pursuant to section 3111.02 of the Revised Code, the court ~~may~~shall take into consideration when determining whether to award parenting time, visitation rights, or temporary custody to a putative father that the putative father is named on the birth record of the child, the child has the putative father's surname, or a clear pattern of a parent and child relationship between the child and the putative father exists. 2405  
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(D) The court may extend a temporary order that is issued under this section if the parents file a joint motion requesting an extension. 2414  
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2416

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

(D) The age of the child; 2630

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) The child's stability; 3149

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

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

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

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

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

(C) If, in any divorce, legal separation, or annulment proceeding and in any proceeding pertaining to the allocation of parental rights and responsibilities for the care of a child, a person intentionally makes an accusation of child abuse or neglect against a parent that the court has determined to be false and the accusation results in the accused parent being denied parenting time, the court shall order reasonable makeup parenting time for that parent. 3188  
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(D) As used in this section, "person" means a party, a party's attorney, or a witness. 3196  
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Sec. 3109.0482. As used in sections 3109.0482 to 3109.0484 of the Revised Code: 3198  
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(A) "Active military service" means service by a member of the uniformed services in compliance with military orders to report for combat operations, contingency operations, peacekeeping operations, a remote tour of duty, or other active service for which the member is required to report unaccompanied by any family member, including any period of illness, recovery from injury, leave, or other lawful absence during that operation, duty, or service. 3200  
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(B) "Uniformed services" means the United States armed forces, the army national guard, and the air national guard or any reserve component thereof, or the commissioned corps of the United States public health service. 3208  
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Sec. 3109.0483. (A) Upon receipt of an order for active military service in the uniformed services, a parent who is subject to an order allocating parental rights and responsibilities or in relation to whom an action to allocate parental rights and responsibilities is pending and who is 3212  
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ordered for active military service shall notify the other 3217  
parent who is subject to the order or in relation to whom the 3218  
case is pending of the order for active military service within 3219  
three days of receiving the military service order. 3220

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

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

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

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

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

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

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

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

(1) An order delegating all or part of the parent's parenting time with the child to a relative or to another person who has a close and substantial relationship with the child if the delegation is in the child's best interest; 3277  
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(2) An order that the other parent make the child reasonably available for parenting time with the parent when the parent is on leave from active military service; 3281  
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(3) An order that the other parent facilitate contact, including telephone and electronic contact, between the parent and child while the parent is on active military service. 3284  
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(B) (1) Upon receipt of an order for active military service, a parent who is subject to a parenting time order and seeks an order under division (A) of this section shall notify the other parent who is subject to the parenting time order and apply to the court as soon as reasonably possible after receipt of the order for active military service. The application shall include the date on which the active military service begins. 3287  
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(2) The court shall schedule a hearing upon receipt of an application under this section and hold the hearing not later than thirty days after its receipt, except that the court shall give the case calendar priority and handle the case expeditiously if exigent circumstances exist in the case. No hearing shall be required if both parents agree to the terms of the requested temporary order and the court determines that the order is in the child's best interest. 3294  
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(3) In determining whether a delegation under division (A) (1) of this section is in the child's best interest, the court shall consider all relevant factors, including the factors set forth in this section. 3302  
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(4) An order delegating all or part of the parent's parenting time pursuant to division (A) (1) of this section does not create standing on behalf of the person to whom parenting time is delegated to assert visitation or companionship rights independent of the order. 3306  
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(C) At the request of a parent who is ordered for active military service in the uniformed services and who is a subject of a proceeding pertaining to a parenting time order or pertaining to a request for companionship rights or visitation with a child, the court shall permit the parent to participate in the proceeding and present evidence by electronic means, including communication by telephone, video, or internet to the extent permitted by rules of the supreme court of Ohio. 3311  
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**Sec. 3109.0485.** The following orders remain in effect but shall be enforced and modified in accordance with sections 3109.04 to 3109.0486 of the Revised Code as amended and enacted by this act: 3319  
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(A) Orders allocating parental rights and responsibilities for the care of a child issued under section 3109.04 of the Revised Code as that section existed prior to the effective date of this act; 3323  
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(B) Parenting time orders and orders for companionship or visitation issued under section 3109.051 of the Revised Code as that section existed prior to the effective date of this act. 3327  
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**Sec. 3109.0486.** (A) Each court that issues an order allocating parental rights and responsibilities of children in a divorce, dissolution of marriage, legal separation, child support proceeding, a proceeding under section 3109.12 of the Revised Code, or any other proceeding in which parents agreed to 3330  
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a judgment by the court with regard to time that a parent spends 3335  
with a child, shall compile a report, to be completed annually, 3336  
of data regarding the division of parenting time, as tracked by 3337  
overnight stays with a parent. The report shall identify the 3338  
type of case involving parenting time, such as a shared 3339  
parenting order, parental rights and responsibilities allocation 3340  
order, or parenting time order. The report shall also track the 3341  
number of cases of agreed judgment entries that were contested 3342  
and ordered by the court. The report shall not include any 3343  
personally identifiable information. 3344

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POWER OF ATTORNEY 3678

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ 3758

\_\_\_\_\_  
Parent/Custodian/Guardian's signature 3759  
3760

\_\_\_\_\_  
Parent's signature 3761  
3762

\_\_\_\_\_  
Grandparent designated as attorney in fact 3763  
3764

State of Ohio ) 3765

) ss: 3766

County of \_\_\_\_\_) 3767

Subscribed, sworn to, and acknowledged before me this \_\_\_\_\_ day 3768  
of \_\_\_\_\_, \_\_\_\_\_ 3769

\_\_\_\_\_  
Notary Public 3770  
3771

Notices: 3772

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

Additional information:

To the grandparent designated as attorney in fact:

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

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

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

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

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

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

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

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

To school officials: 3882

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

to the child. 3891

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

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

To health care providers: 3897

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the child, the child's father. 3975

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

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

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

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

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

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

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

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

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

(iv) Committing a sexually oriented offense. 3996

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

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



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

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

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

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

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

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

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

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

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 4031  
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(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 4034  
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(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 4036  
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(8) "Dating relationship" means a relationship between individuals who have, or have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context. 4038  
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(9) "Person with whom the respondent is or was in a dating relationship" means an adult who, at the time of the conduct in question, is in a dating relationship with the respondent who also is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with the respondent who also is an adult. 4043  
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(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence. 4049  
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(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state: 4053  
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(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent 4058  
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or against a person with whom the respondent is or was in a 4060  
dating relationship, including a description of the nature and 4061  
extent of the domestic violence; 4062

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

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

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

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

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

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

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

(ii) The parties consent to the continuance. 4115

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Any protection order issued or consent agreement 4238



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

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

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

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

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

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

(5) No protection order issued or consent agreement 4267

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Whether the petitioner fears the respondent; 4345

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

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

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

(vi) Whether the respondent has a continuing involvement 4355

with illegal drugs or alcohol; 4356

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

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

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

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

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

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

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

section. 4385

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

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

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

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

"NOTICE 4413

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

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

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

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

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

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

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

(b) All appellate rights have been exhausted. 4456

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

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

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



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

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

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

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

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

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

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

(b) Punishment for contempt of court. 4509

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

- (i) The parent's prior employment experience; 4731
- (ii) The parent's education; 4732
- (iii) The parent's physical and mental disabilities, if 4733  
any; 4734
- (iv) The availability of employment in the geographic area 4735

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or continued. 4821

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of the Revised Code. 4878

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

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

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

(2) The school district in which the child is entitled to 4885  
attend school, or the child's school district of residence if 4886  
different, has identified the child as a child with a 4887  
disability. 4888

(3) The school district in which the child is entitled to 4889  
attend school, or the child's school district of residence if 4890  
different, has developed an individualized education program 4891  
under Chapter 3323. of the Revised Code for the child. 4892

(4) The child either: 4893

(a) Was enrolled in the schools of the school district in 4894  
which the child is entitled to attend school in any grade from 4895  
kindergarten through twelve in the school year prior to the 4896  
school year in which a scholarship is first sought for the 4897  
child; 4898

(b) Is eligible to enter school in any grade kindergarten 4899  
through twelve in the school district in which the child is 4900  
entitled to attend school in the school year in which a 4901  
scholarship is first sought for the child. 4902

(5) The department of education has not approved a 4903  
scholarship for the child under the educational choice 4904  
scholarship pilot program, under sections 3310.01 to 3310.17 of 4905

the Revised Code, the autism scholarship program, under section 4906  
3310.41 of the Revised Code, or the pilot project scholarship 4907  
program, under sections 3313.974 to 3313.979 of the Revised Code 4908  
for the same school year in which a scholarship under the Jon 4909  
Peterson special needs scholarship program is sought. 4910

(6) The child and the child's parents are in compliance 4911  
with the state compulsory attendance law under Chapter 3321. of 4912  
the Revised Code. 4913

(G) "Registered private provider" means a nonpublic school 4914  
or other nonpublic entity that has been registered by the 4915  
superintendent of public instruction under section 3310.58 of 4916  
the Revised Code. 4917

(H) "Scholarship" means a scholarship awarded under the 4918  
Jon Peterson special needs scholarship program pursuant to 4919  
sections 3310.51 to 3310.64 of the Revised Code. 4920

(I) "School district of residence" has the same meaning as 4921  
in section 3323.01 of the Revised Code. A community school 4922  
established under Chapter 3314. of the Revised Code is not a 4923  
"school district of residence" for purposes of sections 3310.51 4924  
to 3310.64 of the Revised Code. 4925

(J) "School year" has the same meaning as in section 4926  
3313.62 of the Revised Code. 4927

(K) "Special education program" means a school or facility 4928  
that provides special education and related services to children 4929  
with disabilities. 4930

**Sec. 3313.98.** Notwithstanding division (D) of section 4931  
3311.19 and division (D) of section 3311.52 of the Revised Code, 4932  
the provisions of this section and sections 3313.981 to 3313.983 4933  
of the Revised Code that apply to a city school district do not 4934



apply to a joint vocational or cooperative education school 4935  
district unless expressly specified. 4936

(A) As used in this section and sections 3313.981 to 4937  
3313.983 of the Revised Code: 4938

(1) "Parent" means either of the natural or adoptive 4939  
parents of a student, except under the following conditions: 4940

(a) When the marriage of the natural or adoptive parents 4941  
of the student has been terminated by a divorce, dissolution of 4942  
marriage, or annulment or the natural or adoptive parents of the 4943  
student are living separate and apart under a legal separation 4944  
decree and the court has issued an order allocating the parental 4945  
rights and responsibilities with respect to the student, 4946  
"parent" means the residential parent as designated by the court 4947  
except that "parent" means either parent when the court issues a 4948  
shared parenting ~~decree~~order or an order under section 3109.0426 4949  
of the Revised Code. 4950

(b) When a court has granted temporary or permanent 4951  
custody of the student to an individual or agency other than 4952  
either of the natural or adoptive parents of the student, 4953  
"parent" means the legal custodian of the child. 4954

(c) When a court has appointed a guardian for the student, 4955  
"parent" means the guardian of the student. 4956

(2) "Native student" means a student entitled under 4957  
section 3313.64 or 3313.65 of the Revised Code to attend school 4958  
in a district adopting a resolution under this section. 4959

(3) "Adjacent district" means a city, exempted village, or 4960  
local school district having territory that abuts the territory 4961  
of a district adopting a resolution under this section. 4962

(4) "Adjacent district student" means a student entitled 4963  
under section 3313.64 or 3313.65 of the Revised Code to attend 4964  
school in an adjacent district. 4965

(5) "Adjacent district joint vocational student" means an 4966  
adjacent district student who enrolls in a city, exempted 4967  
village, or local school district pursuant to this section and 4968  
who also enrolls in a joint vocational school district that does 4969  
not contain the territory of the district for which that student 4970  
is a native student and does contain the territory of the city, 4971  
exempted village, or local district in which the student 4972  
enrolls. 4973

(6) "Poverty line" means the poverty line established by 4974  
the director of the United States office of management and 4975  
budget as revised by the secretary of health and human services 4976  
in accordance with section 673(2) of the "Community Services 4977  
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 4978

(7) "IEP" has the same meaning as in section 3323.01 of 4979  
the Revised Code. 4980

(8) "Other district" means a city, exempted village, or 4981  
local school district having territory outside of the territory 4982  
of a district adopting a resolution under this section. 4983

(9) "Other district student" means a student entitled 4984  
under section 3313.64 or 3313.65 of the Revised Code to attend 4985  
school in an other district. 4986

(10) "Other district joint vocational student" means a 4987  
student who is enrolled in any city, exempted village, or local 4988  
school district and who also enrolls in a joint vocational 4989  
school district that does not contain the territory of the 4990  
district for which that student is a native student in 4991

accordance with a policy adopted under section 3313.983 of the Revised Code. 4992  
4993

(B) (1) The board of education of each city, local, and 4994  
exempted village school district shall adopt a resolution 4995  
establishing for the school district one of the following 4996  
policies: 4997

(a) A policy that entirely prohibits the enrollment of 4998  
students from adjacent districts or other districts, other than 4999  
students for whom tuition is paid in accordance with section 5000  
3317.08 of the Revised Code; 5001

(b) A policy that permits enrollment of students from all 5002  
adjacent districts in accordance with policy statements 5003  
contained in the resolution; 5004

(c) A policy that permits enrollment of students from all 5005  
other districts in accordance with policy statements contained 5006  
in the resolution. 5007

(2) A policy permitting enrollment of students from 5008  
adjacent or from other districts, as applicable, shall provide 5009  
for all of the following: 5010

(a) Application procedures, including deadlines for 5011  
application and for notification of students and the 5012  
superintendent of the applicable district whenever an adjacent 5013  
or other district student's application is approved. 5014

(b) Procedures for admitting adjacent or other district 5015  
applicants free of any tuition obligation to the district's 5016  
schools, including, but not limited to: 5017

(i) The establishment of district capacity limits by grade 5018  
level, school building, and education program; 5019

(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;

(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;

(3) A requirement that the student be proficient in the English language;

(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.

(D) (1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of

education of each adjacent district and, upon request, to the 5049  
parent of any adjacent district student. 5050

(2) Each school board permitting enrollment of other 5051  
district students shall provide information about the policy 5052  
adopted under this section, including the application procedures 5053  
and deadlines, upon request, to the board of education of any 5054  
other school district or to the parent of any student anywhere 5055  
in the state. 5056

(E) Any school board shall accept all credits toward 5057  
graduation earned in adjacent or other district schools by an 5058  
adjacent or other district student or a native student. 5059

(F) (1) No board of education may adopt a policy 5060  
discouraging or prohibiting its native students from applying to 5061  
enroll in the schools of an adjacent or any other district that 5062  
has adopted a policy permitting such enrollment, except that: 5063

(a) A district may object to the enrollment of a native 5064  
student in an adjacent or other district in order to maintain an 5065  
appropriate racial balance. 5066

(b) The board of education of a district receiving funds 5067  
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 5068  
may adopt a resolution objecting to the enrollment of its native 5069  
students in adjacent or other districts if at least ten per cent 5070  
of its students are included in the determination of the United 5071  
States secretary of education made under section 20 U.S.C.A. 5072  
238(a). 5073

(2) If a board objects to enrollment of native students 5074  
under this division, any adjacent or other district shall refuse 5075  
to enroll such native students unless tuition is paid for the 5076  
students in accordance with section 3317.08 of the Revised Code. 5077

An adjacent or other district enrolling such students may not 5078  
receive funding for those students in accordance with section 5079  
3313.981 of the Revised Code. 5080

(G) The state board of education shall monitor school 5081  
districts to ensure compliance with this section and the 5082  
districts' policies. The board may adopt rules requiring uniform 5083  
application procedures, deadlines for application, notification 5084  
procedures, and record-keeping requirements for all school 5085  
boards that adopt policies permitting the enrollment of adjacent 5086  
or other district students, as applicable. If the state board 5087  
adopts such rules, no school board shall adopt a policy that 5088  
conflicts with those rules. 5089

(H) A resolution adopted by a board of education under 5090  
this section that entirely prohibits the enrollment of students 5091  
from adjacent and from other school districts does not abrogate 5092  
any agreement entered into under section 3313.841 or 3313.92 of 5093  
the Revised Code or any contract entered into under section 5094  
3313.90 of the Revised Code between the board of education 5095  
adopting the resolution and the board of education of any 5096  
adjacent or other district or prohibit these boards of education 5097  
from entering into any such agreement or contract. 5098

(I) Nothing in this section shall be construed to permit 5099  
or require the board of education of a city, exempted village, 5100  
or local school district to exclude any native student of the 5101  
district from enrolling in the district. 5102

**Sec. 3319.321.** (A) No person shall release, or permit 5103  
access to, the directory information concerning any students 5104  
attending a public school to any person or group for use in a 5105  
profit-making plan or activity. Notwithstanding division (B) (4) 5106  
of section 149.43 of the Revised Code, a person may require 5107

disclosure of the requestor's identity or the intended use of 5108  
the directory information concerning any students attending a 5109  
public school to ascertain whether the directory information is 5110  
for use in a profit-making plan or activity. 5111

(B) No person shall release, or permit access to, 5112  
personally identifiable information other than directory 5113  
information concerning any student attending a public school, 5114  
for purposes other than those identified in division (C), (E), 5115  
(G), or (H) of this section, without the written consent of the 5116  
parent, guardian, or custodian of each such student who is less 5117  
than eighteen years of age, or without the written consent of 5118  
each such student who is eighteen years of age or older. 5119

(1) For purposes of this section, "directory information" 5120  
includes a student's name, address, telephone listing, date and 5121  
place of birth, major field of study, participation in 5122  
officially recognized activities and sports, weight and height 5123  
of members of athletic teams, dates of attendance, date of 5124  
graduation, and awards received. 5125

(2) (a) Except as provided in division (B) (2) (b) of this 5126  
section, no school district board of education shall impose any 5127  
restriction on the presentation of directory information that it 5128  
has designated as subject to release in accordance with the 5129  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 5130  
571, 20 U.S.C. 1232q, as amended, to representatives of the 5131  
armed forces, business, industry, charitable institutions, other 5132  
employers, and institutions of higher education unless such 5133  
restriction is uniformly imposed on each of these types of 5134  
representatives, except that if a student eighteen years of age 5135  
or older or a student's parent, guardian, or custodian has 5136  
informed the board that any or all such information should not 5137

be released without such person's prior written consent, the 5138  
board shall not release that information without such person's 5139  
prior written consent. 5140

(b) The names and addresses of students in grades ten 5141  
through twelve shall be released to a recruiting officer for any 5142  
branch of the United States armed forces who requests such 5143  
information, except that such data shall not be released if the 5144  
student or student's parent, guardian, or custodian submits to 5145  
the board a written request not to release such data. Any data 5146  
received by a recruiting officer shall be used solely for the 5147  
purpose of providing information to students regarding military 5148  
service and shall not be released to any person other than 5149  
individuals within the recruiting services of the armed forces. 5150

(3) Except for directory information and except as 5151  
provided in division (E), (G), or (H) of this section, 5152  
information covered by this section that is released shall only 5153  
be transferred to a third or subsequent party on the condition 5154  
that such party will not permit any other party to have access 5155  
to such information without written consent of the parent, 5156  
guardian, or custodian, or of the student who is eighteen years 5157  
of age or older. 5158

(4) Except as otherwise provided in this section, any 5159  
parent of a student may give the written parental consent 5160  
required under this section. Where parents are separated or 5161  
divorced, the written parental consent required under this 5162  
section may be obtained from either parent, subject to any 5163  
agreement between such parents or court order governing the 5164  
rights of such parents. In the case of a student whose legal 5165  
guardian is in an institution, a person independent of the 5166  
institution who has no other conflicting interests in the case 5167



shall be appointed by the board of education of the school 5168  
district in which the institution is located to give the written 5169  
parental consent required under this section. 5170

(5) (a) A parent of a student who is not the student's 5171  
residential parent, upon request, shall be permitted access to 5172  
any records or information concerning the student under the same 5173  
terms and conditions under which access to the records or 5174  
information is available to the residential parent of that 5175  
student, provided that the access of the parent who is not the 5176  
residential parent is subject to any agreement between the 5177  
parents, to division (F) of this section, and, to the extent 5178  
described in division (B) (5) (b) of this section, is subject to 5179  
~~any court~~ a parenting time order issued pursuant to section 5180  
~~3109.051-3109.0451~~ of the Revised Code and any other court order 5181  
governing the rights of the parents. 5182

(b) If the residential parent of a student has presented 5183  
the keeper of a record or information that is related to the 5184  
student with a copy of an order issued under ~~division (H) (1) of~~ 5185  
section ~~3109.051-3109.0461~~ of the Revised Code that limits the 5186  
terms and conditions under which the parent who is not the 5187  
residential parent of the student is to have access to records 5188  
and information pertaining to the student or with a copy of any 5189  
other court order governing the rights of the parents that so 5190  
limits those terms and conditions, and if the order pertains to 5191  
the record or information in question, the keeper of the record 5192  
or information shall provide access to the parent who is not the 5193  
residential parent only to the extent authorized in the order. 5194  
If the residential parent has presented the keeper of the record 5195  
or information with such an order, the keeper of the record 5196  
shall permit the parent who is not the residential parent to 5197  
have access to the record or information only in accordance with 5198

the most recent such order that has been presented to the keeper 5199  
by the residential parent or the parent who is not the 5200  
residential parent. 5201

(C) Nothing in this section shall limit the administrative 5202  
use of public school records by a person acting exclusively in 5203  
the person's capacity as an employee of a board of education or 5204  
of the state or any of its political subdivisions, any court, or 5205  
the federal government, and nothing in this section shall 5206  
prevent the transfer of a student's record to an educational 5207  
institution for a legitimate educational purpose. However, 5208  
except as provided in this section, public school records shall 5209  
not be released or made available for any other purpose. 5210  
Fingerprints, photographs, or records obtained pursuant to 5211  
section 3313.96 or 3319.322 of the Revised Code, or pursuant to 5212  
division (E) of this section, or any medical, psychological, 5213  
guidance, counseling, or other information that is derived from 5214  
the use of the fingerprints, photographs, or records, shall not 5215  
be admissible as evidence against the minor who is the subject 5216  
of the fingerprints, photographs, or records in any proceeding 5217  
in any court. The provisions of this division regarding the 5218  
administrative use of records by an employee of the state or any 5219  
of its political subdivisions or of a court or the federal 5220  
government shall be applicable only when the use of the 5221  
information is required by a state statute adopted before 5222  
November 19, 1974, or by federal law. 5223

(D) A board of education may require, subject to division 5224  
(E) of this section, a person seeking to obtain copies of public 5225  
school records to pay the cost of reproduction and, in the case 5226  
of data released under division (B)(2)(b) of this section, to 5227  
pay for any mailing costs, which payment shall not exceed the 5228  
actual cost to the school. 5229

(E) A principal or chief administrative officer of a 5230  
public school, or any employee of a public school who is 5231  
authorized to handle school records, shall provide access to a 5232  
student's records to a law enforcement officer who indicates 5233  
that the officer is conducting an investigation and that the 5234  
student is or may be a missing child, as defined in section 5235  
2901.30 of the Revised Code. Free copies of information in the 5236  
student's record shall be provided, upon request, to the law 5237  
enforcement officer, if prior approval is given by the student's 5238  
parent, guardian, or legal custodian. Information obtained by 5239  
the officer shall be used solely in the investigation of the 5240  
case. The information may be used by law enforcement agency 5241  
personnel in any manner that is appropriate in solving the case, 5242  
including, but not limited to, providing the information to 5243  
other law enforcement officers and agencies and to the bureau of 5244  
criminal identification and investigation for purposes of 5245  
computer integration pursuant to section 2901.30 of the Revised 5246  
Code. 5247

(F) No person shall release to a parent of a student who 5248  
is not the student's residential parent or to any other person, 5249  
or permit a parent of a student who is not the student's 5250  
residential parent or permit any other person to have access to, 5251  
any information about the location of any elementary or 5252  
secondary school to which a student has transferred or 5253  
information that would enable the parent who is not the 5254  
student's residential parent or the other person to determine 5255  
the location of that elementary or secondary school, if the 5256  
elementary or secondary school to which the student has 5257  
transferred and that requested the records of the student under 5258  
section 3313.672 of the Revised Code informs the elementary or 5259  
secondary school from which the student's records are obtained 5260

that the student is under the care of a shelter for victims of 5261  
domestic violence, as defined in section 3113.33 of the Revised 5262  
Code. 5263

(G) A principal or chief administrative officer of a 5264  
public school, or any employee of a public school who is 5265  
authorized to handle school records, shall comply with any order 5266  
issued pursuant to division (D) (1) of section 2151.14 of the 5267  
Revised Code, any request for records that is properly made 5268  
pursuant to division (D) (3) (a) of section 2151.14 or division 5269  
(A) of section 2151.141 of the Revised Code, and any 5270  
determination that is made by a court pursuant to division (D) 5271  
(3) (b) of section 2151.14 or division (B) (1) of section 2151.141 5272  
of the Revised Code. 5273

(H) Notwithstanding any provision of this section, a 5274  
principal of a public school, to the extent permitted by the 5275  
"Family Educational Rights and Privacy Act of 1974," shall make 5276  
the report required in section 3319.45 of the Revised Code that 5277  
a pupil committed any violation listed in division (A) of 5278  
section 3313.662 of the Revised Code on property owned or 5279  
controlled by, or at an activity held under the auspices of, the 5280  
board of education, regardless of whether the pupil was sixteen 5281  
years of age or older. The principal is not required to obtain 5282  
the consent of the pupil who is the subject of the report or the 5283  
consent of the pupil's parent, guardian, or custodian before 5284  
making a report pursuant to section 3319.45 of the Revised Code. 5285

**Sec. 3333.26.** (A) Any citizen of this state who has 5286  
resided within the state for one year, who was in the active 5287  
service of the United States as a soldier, sailor, nurse, or 5288  
marine between April 6, 1917, and November 11, 1918, and who has 5289  
been honorably discharged from that service, shall be admitted 5290

to any school, college, or university that receives state funds 5291  
in support thereof, without being required to pay any tuition or 5292  
matriculation fee, but is not relieved from the payment of 5293  
laboratory or similar fees. 5294

(B) (1) As used in this section: 5295

(a) "Volunteer firefighter" has the meaning as in division 5296  
(B) (1) of section 146.01 of the Revised Code. 5297

(b) "Public service officer" means an Ohio firefighter, 5298  
volunteer firefighter, police officer, member of the state 5299  
highway patrol, employee designated to exercise the powers of 5300  
police officers pursuant to section 1545.13 of the Revised Code, 5301  
or other peace officer as defined by division (B) of section 5302  
2935.01 of the Revised Code, or a person holding any equivalent 5303  
position in another state. 5304

(c) "Qualified former spouse" means the former spouse of a 5305  
public service officer, or of a member of the armed services of 5306  
the United States, who is the custodial parent of a minor child 5307  
of that marriage pursuant to an order allocating the parental 5308  
rights and responsibilities for care of the child issued 5309  
pursuant to section ~~3109.04~~ 3109.0412, 3109.0413, 3109.0424, 5310  
3109.0425, or 3109.0426 of the Revised Code. 5311

(d) "Operation enduring freedom" means that period of 5312  
conflict which began October 7, 2001, and ends on a date 5313  
declared by the president of the United States or the congress. 5314

(e) "Operation Iraqi freedom" means that period of 5315  
conflict which began March 20, 2003, and ends on a date declared 5316  
by the president of the United States or the congress. 5317

(f) "Combat zone" means an area that the president of the 5318  
United States by executive order designates, for purposes of 26 5319

U.S.C. 112, as an area in which armed forces of the United States are or have engaged in combat. 5320  
5321

(2) Subject to division (D) of this section, any resident of this state who is under twenty-six years of age, or under thirty years of age if the resident has been honorably discharged from the armed services of the United States, who is the child of a public service officer killed in the line of duty or of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level, or a certificate program as prescribed under division (E) of this section. 5322  
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A child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom is eligible for a waiver of tuition and student fees under this division only if the student is not eligible for a war orphans and severely disabled veterans' children scholarship authorized by Chapter 5910. of the Revised Code. In any year in which the war orphans and severely disabled veterans' children scholarship board reduces the percentage of tuition covered by a war orphans and severely disabled veterans' children scholarship below one hundred per cent pursuant to division (A) of section 5910.04 of the Revised Code, the waiver of tuition and student fees under this division for a child of a member of the armed services of the United States killed in the line of duty during operation enduring 5337  
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freedom or operation Iraqi freedom shall be reduced by the same 5351  
percentage. 5352

(3) Subject to division (D) of this section, any resident 5353  
of this state who is the spouse or qualified former spouse of a 5354  
public service officer killed in the line of duty, and who is 5355  
admitted to any state university or college as defined in 5356  
division (A)(1) of section 3345.12 of the Revised Code, 5357  
community college, state community college, university branch, 5358  
or technical college, shall not be required to pay any tuition 5359  
or any student fee for up to four academic years of education, 5360  
which shall be at the undergraduate level, or a certificate 5361  
program as prescribed under division (E) of this section. 5362

(4) Any resident of this state who is the spouse or 5363  
qualified former spouse of a member of the armed services of the 5364  
United States killed in the line of duty while serving in a 5365  
combat zone after May 7, 1975, and who is admitted to any state 5366  
university or college as defined in division (A)(1) of section 5367  
3345.12 of the Revised Code, community college, state community 5368  
college, university branch, or technical college, shall not be 5369  
required to pay any tuition or any student fee for up to four 5370  
years of academic education, which shall be at the undergraduate 5371  
level, or a certificate program as prescribed under division (E) 5372  
of this section. In order to qualify under division (B)(4) of 5373  
this section, the spouse or qualified former spouse shall have 5374  
been a resident of this state at the time the member was killed 5375  
in the line of duty. 5376

(C) Any institution that is not subject to division (B) of 5377  
this section and that holds a valid certificate of registration 5378  
issued under Chapter 3332. of the Revised Code, a valid 5379  
certificate issued under Chapter 4709. of the Revised Code, or a 5380

valid license issued under Chapter 4713. of the Revised Code, or 5381  
that is nonprofit and has a certificate of authorization issued 5382  
under section 1713.02 of the Revised Code, or that is a private 5383  
institution exempt from regulation under Chapter 3332. of the 5384  
Revised Code as prescribed in section 3333.046 of the Revised 5385  
Code, which reduces tuition and student fees of a student who is 5386  
eligible to attend an institution of higher education under the 5387  
provisions of division (B) of this section by an amount 5388  
indicated by the chancellor of higher education shall be 5389  
eligible to receive a grant in that amount from the chancellor. 5390

Each institution that enrolls students under division (B) 5391  
of this section shall report to the chancellor, by the first day 5392  
of July of each year, the number of students who were so 5393  
enrolled and the average amount of all such tuition and student 5394  
fees waived during the preceding year. The chancellor shall 5395  
determine the average amount of all such tuition and student 5396  
fees waived during the preceding year. The average amount of the 5397  
tuition and student fees waived under division (B) of this 5398  
section during the preceding year shall be the amount of grants 5399  
that participating institutions shall receive under this 5400  
division during the current year, but no grant under this 5401  
division shall exceed the tuition and student fees due and 5402  
payable by the student prior to the reduction referred to in 5403  
this division. The grants shall be made for two certificate 5404  
programs or four years of undergraduate education of an eligible 5405  
student. 5406

(D) Notwithstanding anything to the contrary in section 5407  
3333.31 of the Revised Code, for the purposes of divisions (B) 5408  
(2) and (3) of this section, the child, spouse, or qualified 5409  
former spouse of a public service officer or a member of the 5410  
armed services of the United States killed in the line of duty 5411



shall be considered a resident of this state for the purposes of 5412  
this section if the child, spouse, or qualified former spouse 5413  
was a resident of this state at the time that the public service 5414  
officer or member of the armed services was killed. 5415

However, no child, spouse, or qualified former spouse of a 5416  
public service officer or a member of the armed services of the 5417  
United States killed in the line of duty shall be required to be 5418  
a resident of this state at the time the public service officer 5419  
or member of the armed services of the United States was killed 5420  
in order to receive benefits under divisions (B) (2) and (3) of 5421  
this section. 5422

(E) A child, spouse, or qualified former spouse of a 5423  
public service officer or a member of the armed services killed 5424  
in the line of duty shall receive benefits for a certificate 5425  
program in accordance with division (B) or (C) of this section, 5426  
except that a particular child, spouse, or qualified former 5427  
spouse shall not receive benefits for: 5428

(1) More than two certificate programs; 5429

(2) A total number of academic credits or instructional 5430  
hours equivalent to more than four academic years; 5431

(3) For any particular academic year, an amount that is 5432  
greater than eight thousand dollars. 5433

**Sec. 3796.24.** (A) The holder of a license, as defined in 5434  
section 4776.01 of the Revised Code, is not subject to 5435  
professional disciplinary action solely for engaging in 5436  
professional or occupational activities related to medical 5437  
marijuana. 5438

(B) Unless there is clear and convincing evidence that a 5439  
child is unsafe, the use, possession, or administration of 5440

medical marijuana in accordance with this chapter shall not be 5441  
the sole or primary basis for any of the following: 5442

(1) An adjudication under section 2151.28 of the Revised 5443  
Code determining that a child is an abused, neglected, or 5444  
dependent child; 5445

(2) An allocation of parental rights and responsibilities 5446  
under section ~~3109.04~~3109.0412, 3109.0413, 3109.0424, 5447  
3109.0425, or 3109.0426 of the Revised Code; 5448

(3) A parenting time order under section ~~3109.051~~3109.0451 or 3109.12 of the Revised Code. 5449  
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(C) Notwithstanding any conflicting provision of the 5451  
Revised Code, the use or possession of medical marijuana in 5452  
accordance with this chapter shall not be used as a reason for 5453  
disqualifying a patient from medical care or from including a 5454  
patient on a transplant waiting list. 5455

(D) Notwithstanding any conflicting provision of the 5456  
Revised Code, the use, possession, administration, cultivation, 5457  
processing, testing, or dispensing of medical marijuana in 5458  
accordance with this chapter shall not be used as the sole or 5459  
primary reason for taking action under any criminal or civil 5460  
statute in the forfeiture or seizure of any property or asset. 5461

(E) Notwithstanding any conflicting provision of the 5462  
Revised Code, a person's status as a registered patient or 5463  
caregiver is not a sufficient basis for conducting a field 5464  
sobriety test on the person or for suspending the person's 5465  
driver's license. To conduct any field sobriety test, a law 5466  
enforcement officer must have an independent, factual basis 5467  
giving reasonable suspicion that the person is operating a 5468  
vehicle under the influence of marijuana or with a prohibited 5469

concentration of marijuana in the person's whole blood, blood 5470  
serum, plasma, breath, or urine. 5471

(F) Notwithstanding any conflicting provision of the 5472  
Revised Code, a person's status as a registered patient or 5473  
caregiver shall not be used as the sole or primary basis for 5474  
rejecting the person as a tenant unless the rejection is 5475  
required by federal law. 5476

(G) This chapter does not do any of the following: 5477

(1) Require a physician to recommend that a patient use 5478  
medical marijuana to treat a qualifying medical condition; 5479

(2) Permit the use, possession, or administration of 5480  
medical marijuana other than as authorized by this chapter; 5481

(3) Permit the use, possession, or administration of 5482  
medical marijuana on federal land located in this state; 5483

(4) Require any public place to accommodate a registered 5484  
patient's use of medical marijuana; 5485

(5) Prohibit any public place from accommodating a 5486  
registered patient's use of medical marijuana; 5487

(6) Restrict research related to marijuana conducted at a 5488  
state university, academic medical center, or private research 5489  
and development organization as part of a research protocol 5490  
approved by an institutional review board or equivalent entity. 5491

**Sec. 5104.039.** (A) Any parent who is the residential 5492  
parent and legal custodian of a child enrolled in a child day- 5493  
care center and any custodian or guardian of such a child shall 5494  
be permitted unlimited access to the center during its hours of 5495  
operation for the purposes of contacting their children, 5496  
evaluating the care provided by the center, evaluating the 5497

premises of the center, or for other purposes approved by the 5498  
director. A parent of a child enrolled in a child day-care 5499  
center who is not the child's residential parent shall be 5500  
permitted unlimited access to the center during its hours of 5501  
operation for those purposes under the same terms and conditions 5502  
under which the residential parent of that child is permitted 5503  
access to the center for those purposes. However, the access of 5504  
the parent who is not the residential parent is subject to any 5505  
agreement between the parents and, to the extent described in 5506  
division (B) of this section, is subject to any terms and 5507  
conditions limiting the right of access of the parent who is not 5508  
the residential parent, as described in ~~division (I) of section~~ 5509  
~~3109.051~~ 3109.0462 of the Revised Code, that are contained in a 5510  
parenting time order or decree issued under that section, 5511  
section 3109.12 of the Revised Code, or any other provision of 5512  
the Revised Code. 5513

(B) If a parent who is the residential parent of a child 5514  
has presented the administrator or the administrator's designee 5515  
with a copy of a parenting time order that limits the terms and 5516  
conditions under which the parent who is not the residential 5517  
parent is to have access to the center, as described in ~~division~~ 5518  
~~(I) of section 3109.051~~ 3109.0462 of the Revised Code, the 5519  
parent who is not the residential parent shall be provided 5520  
access to the center only to the extent authorized in the order. 5521  
If the residential parent has presented such an order, the 5522  
parent who is not the residential parent shall be permitted 5523  
access to the center only in accordance with the most recent 5524  
order that has been presented to the administrator or the 5525  
administrator's designee by the residential parent or the parent 5526  
who is not the residential parent. 5527

(C) Upon entering the premises pursuant to division (A) or 5528

(B) of this section, the parent who is the residential parent 5529  
and legal custodian, the parent who is not the residential 5530  
parent, or the custodian or guardian shall notify the 5531  
administrator or the administrator's designee of the parent's, 5532  
custodian's, or guardian's presence. 5533

**Sec. 5120.653.** An inmate's participation in the prison 5534  
nursery program may be terminated by the department of 5535  
rehabilitation and correction if one of the following occurs: 5536

(A) The inmate fails to comply with the agreement entered 5537  
into under division (A) of section 5120.652 of the Revised Code. 5538

(B) The inmate's child becomes seriously ill, cannot meet 5539  
medical criteria established by the department of rehabilitation 5540  
and correction for the program, or otherwise cannot safely 5541  
participate in the program. 5542

(C) A court issues an order that designates a person other 5543  
than the inmate as the child's residential parent and legal 5544  
custodian. 5545

(D) A juvenile court, in an action brought pursuant to 5546  
division (A) (2) of section 2151.23 of the Revised Code, grants 5547  
custody of the child to a person other than the inmate. 5548

(E) ~~An A shared parenting order or order under section~~ 5549  
~~3109.0426 of the Revised Code is issued pursuant to section~~ 5550  
~~3109.04 of the Revised Code granting shared parenting of~~ 5551  
~~regarding the child.~~ 5552

(F) An order of disposition regarding the child is issued 5553  
pursuant to division (A) (2), (3), or (4) of section 2151.353 of 5554  
the Revised Code granting temporary, permanent, or legal custody 5555  
of the child to a person, other than the inmate, or to a public 5556  
children services agency or private child placing agency. 5557

(G) The inmate is released from imprisonment. 5558

**Sec. 5153.16.** (A) Except as provided in section 2151.422 5559  
of the Revised Code, in accordance with rules adopted under 5560  
section 5153.166 of the Revised Code, and on behalf of children 5561  
in the county whom the public children services agency considers 5562  
to be in need of public care or protective services, the public 5563  
children services agency shall do all of the following: 5564

(1) Make an investigation concerning any child alleged to 5565  
be an abused, neglected, or dependent child; 5566

(2) Enter into agreements with the parent, guardian, or 5567  
other person having legal custody of any child, or with the 5568  
department of job and family services, department of mental 5569  
health and addiction services, department of developmental 5570  
disabilities, other department, any certified organization 5571  
within or outside the county, or any agency or institution 5572  
outside the state, having legal custody of any child, with 5573  
respect to the custody, care, or placement of any child, or with 5574  
respect to any matter, in the interests of the child, provided 5575  
the permanent custody of a child shall not be transferred by a 5576  
parent to the public children services agency without the 5577  
consent of the juvenile court; 5578

(3) Accept custody of children committed to the public 5579  
children services agency by a court exercising juvenile 5580  
jurisdiction; 5581

(4) Provide such care as the public children services 5582  
agency considers to be in the best interests of any child 5583  
adjudicated to be an abused, neglected, or dependent child the 5584  
agency finds to be in need of public care or service; 5585

(5) Provide social services to any unmarried girl 5586

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| adjudicated to be an abused, neglected, or dependent child who   | 5587 |
| is pregnant with or has been delivered of a child;               | 5588 |
| (6) Make available to the bureau for children with medical       | 5589 |
| handicaps of the department of health at its request any         | 5590 |
| information concerning a crippled child found to be in need of   | 5591 |
| treatment under sections 3701.021 to 3701.028 of the Revised     | 5592 |
| Code who is receiving services from the public children services | 5593 |
| agency;  | 5594 |
| (7) Provide temporary emergency care for any child               | 5595 |
| considered by the public children services agency to be in need  | 5596 |
| of such care, without agreement or commitment;                   | 5597 |
| (8) Find certified foster homes, within or outside the           | 5598 |
| county, for the care of children, including handicapped children | 5599 |
| from other counties attending special schools in the county;     | 5600 |
| (9) Subject to the approval of the board of county               | 5601 |
| commissioners and the state department of job and family         | 5602 |
| services, establish and operate a training school or enter into  | 5603 |
| an agreement with any municipal corporation or other political   | 5604 |
| subdivision of the county respecting the operation, acquisition, | 5605 |
| or maintenance of any children's home, training school, or other | 5606 |
| institution for the care of children maintained by such          | 5607 |
| municipal corporation or political subdivision;                  | 5608 |
| (10) Acquire and operate a county children's home,               | 5609 |
| establish, maintain, and operate a receiving home for the        | 5610 |
| temporary care of children, or procure certified foster homes    | 5611 |
| for this purpose;  | 5612 |
| (11) Enter into an agreement with the trustees of any            | 5613 |
| district children's home, respecting the operation of the        | 5614 |
| district children's home in cooperation with the other county    | 5615 |

boards in the district; 5616

(12) Cooperate with, make its services available to, and 5617  
act as the agent of persons, courts, the department of job and 5618  
family services, the department of health, and other 5619  
organizations within and outside the state, in matters relating 5620  
to the welfare of children, except that the public children 5621  
services agency shall not be required to provide supervision of 5622  
or other services related to the exercise of parenting time 5623  
rights granted pursuant to section ~~3109.051~~3109.0451 or 3109.12 5624  
of the Revised Code or companionship or visitation rights 5625  
granted pursuant to section ~~3109.051~~3109.0452, 3109.11, or 5626  
3109.12 of the Revised Code unless a juvenile court, pursuant to 5627  
Chapter 2151. of the Revised Code, or a common pleas court, 5628  
pursuant to division (E) (6) of section 3113.31 of the Revised 5629  
Code, requires the provision of supervision or other services 5630  
related to the exercise of the parenting time rights or 5631  
companionship or visitation rights; 5632

(13) Make investigations at the request of any 5633  
superintendent of schools in the county or the principal of any 5634  
school concerning the application of any child adjudicated to be 5635  
an abused, neglected, or dependent child for release from 5636  
school, where such service is not provided through a school 5637  
attendance department; 5638

(14) Administer funds provided under Title IV-E of the 5639  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 5640  
amended, in accordance with rules adopted under section 5101.141 5641  
of the Revised Code; 5642

(15) In addition to administering Title IV-E adoption 5643  
assistance funds, enter into agreements to make adoption 5644  
assistance payments under section 5153.163 of the Revised Code; 5645



(16) Implement a system of safety and risk assessment, in 5646  
accordance with rules adopted by the director of job and family 5647  
services, to assist the public children services agency in 5648  
determining the risk of abuse or neglect to a child; 5649

(17) Enter into a plan of cooperation with the board of 5650  
county commissioners under section 307.983 of the Revised Code 5651  
and comply with each fiscal agreement the board enters into 5652  
under section 307.98 of the Revised Code that include family 5653  
services duties of public children services agencies and 5654  
contracts the board enters into under sections 307.981 and 5655  
307.982 of the Revised Code that affect the public children 5656  
services agency; 5657

(18) Make reasonable efforts to prevent the removal of an 5658  
alleged or adjudicated abused, neglected, or dependent child 5659  
from the child's home, eliminate the continued removal of the 5660  
child from the child's home, or make it possible for the child 5661  
to return home safely, except that reasonable efforts of that 5662  
nature are not required when a court has made a determination 5663  
under division (A) (2) of section 2151.419 of the Revised Code; 5664

(19) Make reasonable efforts to place the child in a 5665  
timely manner in accordance with the permanency plan approved 5666  
under division (E) of section 2151.417 of the Revised Code and 5667  
to complete whatever steps are necessary to finalize the 5668  
permanent placement of the child; 5669

(20) Administer a Title IV-A program identified under 5670  
division (A) (4) (c) or (g) of section 5101.80 of the Revised Code 5671  
that the department of job and family services provides for the 5672  
public children services agency to administer under the 5673  
department's supervision pursuant to section 5101.801 of the 5674  
Revised Code; 5675

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| (21) Administer the kinship permanency incentive program         | 5676 |
| created under section 5101.802 of the Revised Code under the     | 5677 |
| supervision of the director of job and family services;          | 5678 |
| (22) Provide independent living services pursuant to             | 5679 |
| sections 2151.81 to 2151.84 of the Revised Code;                 | 5680 |
| (23) File a missing child report with a local law                | 5681 |
| enforcement agency upon becoming aware that a child in the       | 5682 |
| custody of the public children services agency is or may be      | 5683 |
| missing.   | 5684 |
| (B) The public children services agency shall use the            | 5685 |
| system implemented pursuant to division (A) (16) of this section | 5686 |
| in connection with an investigation undertaken pursuant to       | 5687 |
| division (G) (1) of section 2151.421 of the Revised Code to      | 5688 |
| assess both of the following:                                    | 5689 |
| (1) The ongoing safety of the child;                             | 5690 |
| (2) The appropriateness of the intensity and duration of         | 5691 |
| the services provided to meet child and family needs throughout  | 5692 |
| the duration of a case.  | 5693 |
| (C) Except as provided in section 2151.422 of the Revised        | 5694 |
| Code, in accordance with rules of the director of job and family | 5695 |
| services, and on behalf of children in the county whom the       | 5696 |
| public children services agency considers to be in need of       | 5697 |
| public care or protective services, the public children services | 5698 |
| agency may do the following:                                     | 5699 |
| (1) Provide or find, with other child serving systems,           | 5700 |
| specialized foster care for the care of children in a            | 5701 |
| specialized foster home, as defined in section 5103.02 of the    | 5702 |
| Revised Code, certified under section 5103.03 of the Revised     | 5703 |
| Code;  | 5704 |

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:

(i) County departments of job and family services;

(ii) Boards of alcohol, drug addiction, and mental health services;

(iii) County boards of developmental disabilities;

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;

(v) Private and government providers of services;

(vi) Managed care organizations and prepaid health plans.

(b) A public children services agency contract under division (C) (2) (a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.

(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C) (2) (a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.

**Section 2.** That existing sections 2151.23, 2317.02, 2705.031, 2710.05, 2710.06, 3105.21, 3105.63, 3105.65, 3109.04, 3109.042, 3109.043, 3109.05, 3109.052, 3109.053, 3109.06, 3109.061, 3109.09, 3109.11, 3109.12, 3109.41, 3109.53, 3109.55,

3109.56, 3109.65, 3113.31, 3119.01, 3119.08, 3119.24, 3119.964, 5733  
3310.51, 3313.98, 3319.321, 3333.26, 3796.24, 5104.039, 5734  
5120.653, and 5153.16 of the Revised Code are hereby repealed. 5735

**Section 3.** That sections 3109.041 and 3109.051 of the 5736  
Revised Code are hereby repealed. 5737