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134th General Assembly

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Sub. H. B. No. 83

Representatives Russo, Manchester

Cosponsors: Representatives O'Brien, Kelly, Hicks-Hudson, Miller, J., Hoops, Smith, K., Sobecki, Weinstein, Boggs, Lightbody, Troy, Click, John, Schmidt, Baldrige, Blackshear, Boyd, Brent, Brown, Carruthers, Crawley, Cross, Crossman, Denson, Edwards, Fraizer, Galonski, Ghanbari, Ginter, Gross, Hall, Hillyer, Holmes, Ingram, Jarrells, Johnson, Kick, Koehler, Lanese, Leland, Lepore-Hagan, Loychik, Manning, McClain, Miller, A., Miranda, Oelslager, Patton, Pavliga, Plummer, Ray, Riedel, Roemer, Skindell, Smith, M., Stein, Sykes, Upchurch, West, White, Young, T.

A BILL

To amend sections 2151.231, 3103.03, 3109.53, 1
3109.66, 3111.01, 3111.04, 3111.06, 3111.07, 2
3111.111, 3111.15, 3111.29, 3111.38, 3111.381, 3
3111.48, 3111.49, 3111.78, 3119.01, 3119.06, 4
3119.07, and 3121.29; to enact sections 5
3111.041, 3119.95, 3119.951, 3119.953, 3119.955, 6
3119.957, 3119.9511, 3119.9513, 3119.9515, 7
3119.9517, 3119.9519, 3119.9523, 3119.9525, 8
3119.9527, 3119.9529, 3119.9531, 3119.9533, 9
3119.9535, 3119.9537, 3119.9539, and 3119.9541; 10
and to repeal section 3121.46 of the Revised 11
Code to make changes to child support laws with 12
regard to caretakers. 13

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

Section 1. That sections 2151.231, 3103.03, 3109.53, 14

3109.66, 3111.01, 3111.04, 3111.06, 3111.07, 3111.111, 3111.15, 15
3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 3111.78, 3119.01, 16
3119.06, 3119.07, and 3121.29 be amended and sections 3111.041, 17
3119.95, 3119.951, 3119.953, 3119.955, 3119.957, 3119.9511, 18
3119.9513, 3119.9515, 3119.9517, 3119.9519, 3119.9523, 19
3119.9525, 3119.9527, 3119.9529, 3119.9531, 3119.9533, 20
3119.9535, 3119.9537, 3119.9539, and 3119.9541 of the Revised 21
Code be enacted to read as follows: 22

Sec. 2151.231. (A) ~~The parent, guardian, or~~ 23
~~custodian caretaker~~ of a child, ~~the person with whom a child~~ 24
~~resides,~~ or the child support enforcement agency of the county 25
in which the child, parent, ~~guardian,~~ or ~~custodian caretaker~~ of 26
the child resides may bring an action in a juvenile court or 27
other court with jurisdiction under section 2101.022 or 2301.03 28
of the Revised Code under this section requesting the court to 29
issue an order requiring a parent of the child to pay an amount 30
for the support of the child without regard to the marital 31
status of the child's parents. No action may be brought under 32
this section against a person presumed to be the parent of a 33
child based on an acknowledgment of paternity that has not yet 34
become final under former section 3111.211 or 5101.314 or 35
section 2151.232, 3111.25, or 3111.821 of the Revised Code. 36

The parties to an action under this section may raise the 37
issue of the existence or nonexistence of a parent-child 38
relationship, unless a final and enforceable determination of 39
the issue has been made with respect to the parties pursuant to 40
Chapter 3111. of the Revised Code or an acknowledgment of 41
paternity signed by the child's parents has become final 42
pursuant to former section 3111.211 or 5101.314 or section 43
2151.232, 3111.25, or 3111.821 of the Revised Code. If a 44
complaint is filed under this section and an issue concerning 45

the existence or nonexistence of a parent-child relationship is 46
raised, the court shall treat the action as an action pursuant 47
to sections 3111.01 to 3111.18 of the Revised Code. An order 48
issued in an action under this section does not preclude a party 49
to the action from bringing a subsequent action pursuant to 50
sections 3111.01 to 3111.18 of the Revised Code if the issue 51
concerning the existence or nonexistence of the parent-child 52
relationship was not determined with respect to the party 53
pursuant to a proceeding under this section, a proceeding under 54
Chapter 3111. of the Revised Code, or an acknowledgment of 55
paternity that has become final under former section 3111.211 or 56
5101.314 or section 2151.232, 3111.25, or 3111.821 of the 57
Revised Code. An order issued pursuant to this section shall 58
remain effective until an order is issued pursuant to sections 59
3111.01 to 3111.18 of the Revised Code that a parent-child 60
relationship does not exist between the alleged father of the 61
child and the child or until the occurrence of an event 62
described in section 3119.88 of the Revised Code that would 63
require the order to terminate. 64

The court, in accordance with sections 3119.29 to 3119.56 65
of the Revised Code, shall include in each support order made 66
under this section the requirement that one or both of the 67
parents provide for the health care needs of the child to the 68
satisfaction of the court. 69

(B) As used in this section, "caretaker" has the same 70
meaning as in section 3119.01 of the Revised Code. 71

Sec. 3103.03. (A) Each married person must support the 72
person's self and spouse out of the person's property or by the 73
person's labor. If a married person is unable to do so, the 74
spouse of the married person must assist in the support so far 75

as the spouse is able. The biological or adoptive parent of a 76
minor child must support the parent's minor children out of the 77
parent's property or by the parent's labor. 78

(B) Notwithstanding section 3109.01 of the Revised Code 79
and to the extent provided in section 3119.86 of the Revised 80
Code, the parental duty of support to children shall continue 81
beyond the age of majority as long as the child continuously 82
attends on a full-time basis any recognized and accredited high 83
school. That duty of support shall continue during seasonal 84
vacation periods. 85

(C) If a married person neglects to support the person's 86
spouse in accordance with this section, any other person, in 87
good faith, may supply the spouse with necessaries for the 88
support of the spouse and recover the reasonable value of the 89
necessaries supplied from the married person who neglected to 90
support the spouse unless the spouse abandons that person 91
without cause. 92

(D) (1) If a parent neglects to support the parent's minor 93
child in accordance with this section and if the minor child in 94
question is unemancipated, any other person, in good faith, may 95
supply the minor child with necessaries for the support of the 96
minor child and recover the reasonable value of the necessaries 97
supplied from the parent who neglected to support the minor 98
child. 99

(2) A duty of support may be enforced by a child support 100
order, as defined under division (B) of section 3119.01 of the 101
Revised Code. 102

(E) If a decedent during the decedent's lifetime has 103
purchased an irrevocable preneed funeral contract pursuant to 104

section 4717.34 of the Revised Code, then the duty of support 105
owed to a spouse pursuant to this section does not include an 106
obligation to pay for the funeral expenses of the deceased 107
spouse. This division does not preclude a surviving spouse from 108
assuming by contract the obligation to pay for the funeral 109
expenses of the deceased spouse. 110

Sec. 3109.53. To create a power of attorney under section 111
3109.52 of the Revised Code, a parent, guardian, or custodian 112
shall use a form that is identical in form and content to the 113
following: 114

POWER OF ATTORNEY 115

I, the undersigned, residing at _____, in the county 116
of _____, state of _____, hereby appoint the child's 117
grandparent, _____, residing at _____, in the county 118
of _____, in the state of Ohio, with whom the child of 119
whom I am the parent, guardian, or custodian is residing, my 120
attorney in fact to exercise any and all of my rights and 121
responsibilities regarding the care, physical custody, and 122
control of the child, _____, born _____, having social 123
security number (optional) _____, except my authority to 124
consent to marriage or adoption of the child _____, and to 125
perform all acts necessary in the execution of the rights and 126
responsibilities hereby granted, as fully as I might do if 127
personally present. The rights I am transferring under this 128
power of attorney include the ability to enroll the child in 129
school, to obtain from the school district educational and 130
behavioral information about the child, to consent to all 131
school-related matters regarding the child, and to consent to 132
medical, psychological, or dental treatment for the child. This 133
transfer does not affect my rights in any future proceedings 134

concerning the custody of the child or the allocation of the 135
parental rights and responsibilities for the care of the child 136
and does not give the attorney in fact legal custody of the 137
child. This transfer does not terminate my right to have regular 138
contact with the child. 139

I hereby certify that I am transferring the rights and 140
responsibilities designated in this power of attorney because 141
one of the following circumstances exists: 142

(1) I am: (a) Seriously ill, incarcerated, or about to be 143
incarcerated, (b) Temporarily unable to provide financial 144
support or parental guidance to the child, (c) Temporarily 145
unable to provide adequate care and supervision of the child 146
because of my physical or mental condition, (d) Homeless or 147
without a residence because the current residence is destroyed 148
or otherwise uninhabitable, or (e) In or about to enter a 149
residential treatment program for substance abuse; 150

(2) I am a parent of the child, the child's other parent 151
is deceased, and I have authority to execute the power of 152
attorney; or 153

(3) I have a well-founded belief that the power of 154
attorney is in the child's best interest. 155

I hereby certify that I am not transferring my rights and 156
responsibilities regarding the child for the purpose of 157
enrolling the child in a school or school district so that the 158
child may participate in the academic or interscholastic 159
athletic programs provided by that school or district. 160

~~I understand that this document does not authorize a child-~~ 161
~~support enforcement agency to redirect child support payments to-~~ 162
~~the grandparent designated as attorney in fact. I further-~~ 163

~~understand that to have an existing child support order modified- 164
or a new child support order issued administrative or judicial- 165
proceedings must be initiated. 166~~

If there is a court order naming me the residential parent 167
and legal custodian of the child who is the subject of this 168
power of attorney and I am the sole parent signing this 169
document, I hereby certify that one of the following is the 170
case: 171

(1) I have made reasonable efforts to locate and provide 172
notice of the creation of this power of attorney to the other 173
parent and have been unable to locate that parent; 174

(2) The other parent is prohibited from receiving a notice 175
of relocation; or 176

(3) The parental rights of the other parent have been 177
terminated by order of a juvenile court. 178

This POWER OF ATTORNEY is valid until the occurrence of 179
whichever of the following events occurs first: (1) I revoke 180
this POWER OF ATTORNEY in writing and give notice of the 181
revocation to the grandparent designated as attorney in fact and 182
the juvenile court with which this POWER OF ATTORNEY was filed; 183
(2) the child ceases to reside with the grandparent designated 184
as attorney in fact; (3) this POWER OF ATTORNEY is terminated by 185
court order; (4) the death of the child who is the subject of 186
the power of attorney; or (5) the death of the grandparent 187
designated as the attorney in fact. 188

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 189
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 190
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY 191
THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING 192

A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO 193
\$1,000, OR BOTH. 194

Witness my hand this _____ day of _____, _____ 195

_____ 196

Parent/Custodian/Guardian's signature 197

_____ 198

Parent's signature 199

_____ 200

Grandparent designated as attorney in fact 201

State of Ohio) 202

) ss: 203

County of _____) 204

Subscribed, sworn to, and acknowledged before me this _____ day 205

of _____, _____ 206

_____ 207

Notary Public 208

Notices: 209

1. A power of attorney may be executed only if one of the following 210

circumstances exists: (1) The parent, guardian, or custodian of the child 211

is: (a) Seriously ill, incarcerated, or about to be incarcerated; (b) 212

Temporarily unable to provide financial support or parental guidance to 213

the child; (c) Temporarily unable to provide adequate care and supervision 214

of the child because of the parent's, guardian's, or custodian's physical 215

or mental condition; (d) Homeless or without a residence because the 216

current residence is destroyed or otherwise uninhabitable; or (e) In or 217

about to enter a residential treatment program for substance abuse; (2) 218

One of the child's parents is deceased and the other parent, with 219

authority to do so, seeks to execute a power of attorney; or (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest.

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

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

4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential 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.	250
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.	251 252
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.	253 254 255 256 257 258 259 260 261
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:	262 263 264
(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent;	265 266
(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;	267 268 269
(c) The court in which the power of attorney was filed after its creation;	270
(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.	271 272 273 274
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	275 276 277

the court with which that power of attorney was filed.	278
Additional information:	279
To the grandparent designated as attorney in fact:	280
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.	281 282 283 284 285 286 287 288
2. You must include with the power of attorney the following information:	289
(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;	290 291 292
(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;	293 294 295 296 297 298
(c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state;	299 300
(d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child;	301 302 303 304 305

(e) Whether you previously have been convicted of or pleaded guilty to any 306
criminal offense involving any act that resulted in a child's being an 307
abused child or a neglected child or previously have been determined, in a 308
case in which a child has been adjudicated an abused child or a neglected 309
child, to be the perpetrator of the abusive or neglectful act that was the 310
basis of the adjudication. 311

3. If you receive written notice of revocation of the power of attorney or 312
the parent, custodian, or guardian removes the child from your home and if 313
you believe that the revocation or removal is not in the best interest of 314
the child, you may, within fourteen days, file a complaint in the juvenile 315
court to seek custody. You may retain physical custody of the child until 316
the fourteen-day period elapses or, if you file a complaint, until the 317
court orders otherwise. 318

To school officials: 319

1. Except as provided in section 3313.649 of the Revised Code, this power 320
of attorney, properly completed and notarized, authorizes the child in 321
question to attend school in the district in which the grandparent 322
designated as attorney in fact resides and that grandparent is authorized 323
to provide consent in all school-related matters and to obtain from the 324
school district educational and behavioral information about the child. 325
This power of attorney does not preclude the parent, guardian, or 326
custodian of the child from having access to all school records pertinent 327
to the child. 328

2. The school district may require additional reasonable evidence that the 329
grandparent lives in the school district. 330

3. A school district or school official that reasonably and in good faith 331
relies on this power of attorney has no obligation to make any further 332
inquiry or investigation. 333

To health care providers: 334

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

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

Sec. 3109.66. The caretaker authorization affidavit that a grandparent described in section 3109.65 of the Revised Code may execute shall be identical in form and content to the following:

CARETAKER AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by sections 3109.65 to 3109.73 of the Ohio Revised Code.

Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child.

The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent.

1. Name of child:

2. Child's date and year of birth:	363
3. Child's social security number (optional):	364
4. My name:	365
5. My home address:	366
6. My date and year of birth:	367
7. My Ohio driver's license number or identification card number:	368
8. Despite having made reasonable attempts, I am either:	369
(a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or	370 371
(b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or	372 373 374
(c) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case:	375 376 377
(i) The parent has been prohibited from receiving notice of a relocation; or	378 379
(ii) The parental rights of the parent have been terminated.	380
9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.	381 382 383 384
I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be	385 386 387 388

initiated.	389
WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS	390
ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF	391
THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER	392
2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF	393
UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH.	394
I declare that the foregoing is true and correct:	395
Signed: _____ Date: _____	396
Grandparent	397
State of Ohio)	398
) ss:	399
County of _____)	400
Subscribed, sworn to, and acknowledged before me this _____ day	401
of _____, _____	402
_____	403
Notary Public	404
Notices:	405
1. The grandparent's signature must be notarized by an	406
Ohio notary public.	407
2. The grandparent who executed this affidavit must file	408
it with the juvenile court of the county in which the	409
grandparent resides or any other court that has jurisdiction	410
over the child under a previously filed motion or proceeding not	411
later than five days after the date it is executed.	412
3. This affidavit does not affect the rights of the	413
child's parents, guardian, or custodian regarding the care,	414

physical custody, and control of the child, and does not give 415
the grandparent legal custody of the child. 416

4. A person or entity that relies on this affidavit, in 417
good faith, has no obligation to make any further inquiry or 418
investigation. 419

5. This affidavit terminates on the occurrence of 420
whichever of the following occurs first: (1) the child ceases to 421
live with the grandparent who signs this form; (2) the parent, 422
guardian, or custodian of the child acts to negate, reverse, or 423
otherwise disapprove an action or decision of the grandparent 424
who signed this affidavit, and the grandparent either 425
voluntarily returns the child to the physical custody of the 426
parent, guardian, or custodian or fails to file a complaint to 427
seek custody within fourteen days; (3) the affidavit is 428
terminated by court order; (4) the death of the child who is the 429
subject of the affidavit; or (5) the death of the grandparent 430
who executed the affidavit. 431

A parent, guardian, or custodian may negate, reverse, or 432
disapprove a grandparent's action or decision only by delivering 433
written notice of negation, reversal, or disapproval to the 434
grandparent and the person acting on the grandparent's action or 435
decision in reliance on this affidavit. 436

If this affidavit terminates other than by the death of 437
the grandparent, the grandparent who signed this affidavit shall 438
notify, in writing, all of the following: 439

(a) Any schools, health care providers, or health 440
insurance coverage provider with which the child has been 441
involved through the grandparent; 442

(b) Any other person or entity that has an ongoing 443

relationship with the child or grandparent such that the person 444
or entity would reasonably rely on the affidavit unless notified 445
of the termination; 446

(c) The court in which the affidavit was filed after its 447
creation. 448

The grandparent shall make the notifications not later 449
than one week after the date the affidavit terminates. 450

6. The decision of a grandparent to consent to or to 451
refuse medical treatment or school enrollment for a child is 452
superseded by a contrary decision of a parent, custodian, or 453
guardian of the child, unless the decision of the parent, 454
guardian, or custodian would jeopardize the life, health, or 455
safety of the child. 456

Additional information: 457

To caretakers: 458

1. If the child stops living with you, you are required to 459
notify, in writing, any school, health care provider, or health 460
care insurance provider to which you have given this affidavit. 461
You are also required to notify, in writing, any other person or 462
entity that has an ongoing relationship with you or the child 463
such that the person or entity would reasonably rely on the 464
affidavit unless notified. The notifications must be made not 465
later than one week after the child stops living with you. 466

2. If you do not have the information requested in item 7 467
(Ohio driver's license or identification card), provide another 468
form of identification such as your social security number or 469
medicaid number. 470

3. You must include with the caretaker authorization 471

affidavit the following information: 472

(a) The child's present address, the addresses of the 473
places where the child has lived within the last five years, and 474
the name and present address of each person with whom the child 475
has lived during that period; 476

(b) Whether you have participated as a party, a witness, 477
or in any other capacity in any other litigation, in this state 478
or any other state, that concerned the allocation, between the 479
parents of the same child, of parental rights and 480
responsibilities for the care of the child and the designation 481
of the residential parent and legal custodian of the child or 482
that otherwise concerned the custody of the same child; 483

(c) Whether you have information of any parenting 484
proceeding concerning the child pending in a court of this or 485
any other state; 486

(d) Whether you know of any person who has physical 487
custody of the child or claims to be a parent of the child who 488
is designated the residential parent and legal custodian of the 489
child or to have parenting time rights with respect to the child 490
or to be a person other than a parent of the child who has 491
custody or visitation rights with respect to the child; 492

(e) Whether you previously have been convicted of or 493
pleaded guilty to any criminal offense involving any act that 494
resulted in a child's being an abused child or a neglected child 495
or previously have been determined, in a case in which a child 496
has been adjudicated an abused child or a neglected child, to be 497
the perpetrator of the abusive or neglectful act that was the 498
basis of the adjudication. 499

4. If the child's parent, guardian, or custodian acts to 500

terminate the caretaker authorization affidavit by delivering a 501
written notice of negation, reversal, or disapproval of an 502
action or decision of yours or removes the child from your home 503
and if you believe that the termination or removal is not in the 504
best interest of the child, you may, within fourteen days, file 505
a complaint in the juvenile court to seek custody. You may 506
retain physical custody of the child until the fourteen-day 507
period elapses or, if you file a complaint, until the court 508
orders otherwise. 509

To school officials: 510

1. This affidavit, properly completed and notarized, 511
authorizes the child in question to attend school in the 512
district in which the grandparent who signed this affidavit 513
resides and the grandparent is authorized to provide consent in 514
all school-related matters and to discuss with the school 515
district the child's educational progress. This affidavit does 516
not preclude the parent, guardian, or custodian of the child 517
from having access to all school records pertinent to the child. 518

2. The school district may require additional reasonable 519
evidence that the grandparent lives at the address provided in 520
item 5 of the affidavit. 521

3. A school district or school official that reasonably 522
and in good faith relies on this affidavit has no obligation to 523
make any further inquiry or investigation. 524

4. The act of a parent, guardian, or custodian of the 525
child to negate, reverse, or otherwise disapprove an action or 526
decision of the grandparent who signed this affidavit 527
constitutes termination of this affidavit. A parent, guardian, 528
or custodian may negate, reverse, or disapprove a grandparent's 529

action or decision only by delivering written notice of 530
negation, reversal, or disapproval to the grandparent and the 531
person acting on the grandparent's action or decision in 532
reliance on this affidavit. 533

To health care providers: 534

1. A person or entity that acts in good faith reliance on 535
a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, 536
psychological, or dental treatment, without actual knowledge of 537
facts contrary to those stated in the affidavit, is not subject 538
to criminal liability or to civil liability to any person or 539
entity, and is not subject to professional disciplinary action, 540
solely for such reliance if the applicable portions of the form 541
are completed and the grandparent's signature is notarized. 542

2. The decision of a grandparent, based on a CARETAKER 543
AUTHORIZATION AFFIDAVIT, shall be honored by a health care 544
facility or practitioner, school district, or school official 545
unless the health care facility or practitioner or educational 546
facility or official has actual knowledge that a parent, 547
guardian, or custodian of a child has made a contravening 548
decision to consent to or to refuse medical treatment for the 549
child. 550

3. The act of a parent, guardian, or custodian of the 551
child to negate, reverse, or otherwise disapprove an action or 552
decision of the grandparent who signed this affidavit 553
constitutes termination of this affidavit. A parent, guardian, 554
or custodian may negate, reverse, or disapprove a grandparent's 555
action or decision only by delivering written notice of 556
negation, reversal, or disapproval to the grandparent and the 557
person acting on the grandparent's action or decision in 558
reliance on this affidavit. 559

Sec. 3111.01. (A) (1) As used in sections 3111.01 to 560
3111.85 of the Revised Code, "parent and child relationship" 561
means the legal relationship that exists between a child and the 562
child's natural or adoptive parents and upon which those 563
sections and any other provision of the Revised Code confer or 564
impose rights, privileges, duties, and obligations. The "parent 565
and child relationship" includes the mother and child 566
relationship and the father and child relationship. 567

~~(B)~~ (2) The parent and child relationship extends equally 568
to all children and all parents, regardless of the marital 569
status of the parents. 570

(B) As used in this chapter, "caretaker" has the same 571
meaning as in section 3119.01 of the Revised Code. 572

Sec. 3111.04. (A) (1) Except as provided in division (A) (2) 573
of this section, an action to determine the existence or 574
nonexistence of the father and child relationship may be brought 575
by the child or the child's personal representative, the child's 576
caretaker, the child's mother or her personal representative, a 577
man alleged or alleging himself to be the child's father, the 578
child support enforcement agency of the county in which the 579
child resides if the child's mother, father, or alleged father 580
is a recipient of public assistance or of services under Title 581
IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 582
U.S.C.A. 651, as amended, or the alleged father's personal 583
representative. 584

(2) A man alleged or alleging himself to be the child's 585
father is not eligible to file an action under division (A) (1) 586
of this section if the man was convicted of or pleaded guilty to 587
rape or sexual battery, the victim of the rape or sexual battery 588
was the child's mother, and the child was conceived as a result 589

of the rape or sexual battery. 590

(B) An agreement does not bar an action under this 591
section. 592

(C) If an action under this section is brought before the 593
birth of the child and if the action is contested, all 594
proceedings, except service of process and the taking of 595
depositions to perpetuate testimony, may be stayed until after 596
the birth. 597

(D) A recipient of public assistance or of services under 598
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 599
42 U.S.C.A. 651, as amended, shall cooperate with the child 600
support enforcement agency of the county in which a child 601
resides to obtain an administrative determination pursuant to 602
sections 3111.38 to 3111.54 of the Revised Code, or, if 603
necessary, a court determination pursuant to sections 3111.01 to 604
3111.18 of the Revised Code, of the existence or nonexistence of 605
a parent and child relationship between the father and the 606
child. If the recipient fails to cooperate, the agency may 607
commence an action to determine the existence or nonexistence of 608
a parent and child relationship between the father and the child 609
pursuant to sections 3111.01 to 3111.18 of the Revised Code. 610

(E) As used in this section: 611

(1) "Public assistance" means both of the following: 612

(a) Medicaid; 613

(b) Ohio works first under Chapter 5107. of the Revised 614
Code. 615

(2) "Rape" means a violation of section 2907.02 of the 616
Revised Code or similar law of another state. 617

(3) "Sexual battery" means a violation of section 2907.03 618
of the Revised Code or similar law of another state. 619

Sec. 3111.041. A caretaker of a child may authorize 620
genetic testing of the child pursuant to any action or 621
proceeding under Chapter 3111. of the Revised Code. 622

Sec. 3111.06. (A) Except as otherwise provided in division 623
(B) ~~or,~~ (C), or (D) of section 3111.381 of the Revised Code, an 624
action authorized under sections 3111.01 to 3111.18 of the 625
Revised Code may be brought in the juvenile court or other court 626
with jurisdiction under section 2101.022 or 2301.03 of the 627
Revised Code of the county in which the child, the child's 628
mother, or the alleged father resides or is found or, if the 629
alleged father is deceased, of the county in which proceedings 630
for the probate of the alleged father's estate have been or can 631
be commenced, or of the county in which the child is being 632
provided support by the county department of job and family 633
services of that county. An action pursuant to sections 3111.01 634
to 3111.18 of the Revised Code to object to an administrative 635
order issued pursuant to former section 3111.21 or 3111.22 or 636
sections 3111.38 to 3111.54 of the Revised Code determining the 637
existence or nonexistence of a parent and child relationship 638
that has not become final and enforceable, may be brought only 639
in the juvenile court or other court with jurisdiction of the 640
county in which the child support enforcement agency that issued 641
the order is located. If an action for divorce, dissolution, or 642
legal separation has been filed in a court of common pleas, that 643
court of common pleas has original jurisdiction to determine if 644
the parent and child relationship exists between one or both of 645
the parties and any child alleged or presumed to be the child of 646
one or both of the parties. 647

(B) A person who has sexual intercourse in this state 648
submits to the jurisdiction of the courts of this state as to an 649
action brought under sections 3111.01 to 3111.18 of the Revised 650
Code with respect to a child who may have been conceived by that 651
act of intercourse. In addition to any other method provided by 652
the Rules of Civil Procedure, personal jurisdiction may be 653
acquired by personal service of summons outside this state or by 654
certified mail with proof of actual receipt. 655

Sec. 3111.07. (A) The natural mother, each man presumed to 656
be the father under section 3111.03 of the Revised Code, ~~and~~ 657
each man alleged to be the natural father, and a caretaker of a 658
child shall be made parties to the action brought pursuant to 659
sections 3111.01 to 3111.18 of the Revised Code or, if not 660
subject to the jurisdiction of the court, shall be given notice 661
of the action pursuant to the Rules of Civil Procedure and shall 662
be given an opportunity to be heard. The child support 663
enforcement agency of the county in which the action is brought 664
also shall be given notice of the action pursuant to the Rules 665
of Civil Procedure and shall be given an opportunity to be 666
heard. The court may align the parties. The child shall be made 667
a party to the action unless a party shows good cause for not 668
doing so. Separate counsel shall be appointed for the child if 669
the court finds that the child's interests conflict with those 670
of the mother. 671

If the person bringing the action knows that a particular 672
man is not or, based upon the facts and circumstances present, 673
could not be the natural father of the child, the person 674
bringing the action shall not allege in the action that the man 675
is the natural father of the child and shall not make the man a 676
party to the action. 677

(B) If an action is brought pursuant to sections 3111.01 678
to 3111.18 of the Revised Code and the child to whom the action 679
pertains is or was being provided support by a caretaker, the 680
department of job and family services, a county department of 681
job and family services, or another public agency, the 682
caretaker, department, county department, or agency may 683
intervene for purposes of collecting or recovering the support. 684

Sec. 3111.111. If an action is brought pursuant to 685
sections 3111.01 to 3111.18 of the Revised Code to object to a 686
determination made pursuant to former section 3111.21 or 3111.22 687
or sections 3111.38 to 3111.54 of the Revised Code that the 688
alleged father is the natural father of a child, the court, on 689
its own motion or on the motion of either party, shall issue a 690
temporary order for the support of the child pursuant to 691
Chapters 3119., 3121., 3123., and 3125. of the Revised Code 692
requiring the alleged father to pay support to the natural 693
mother or the ~~guardian or legal custodian~~ caretaker of the 694
child. The order shall remain in effect until the court issues a 695
judgment in the action pursuant to section 3111.13 of the 696
Revised Code that determines the existence or nonexistence of a 697
father and child relationship. If the court, in its judgment, 698
determines that the alleged father is not the natural father of 699
the child, the court shall order the person to whom the 700
temporary support was paid under the order to repay the alleged 701
father all amounts paid for support under the temporary order. 702

Sec. 3111.15. (A) If the existence of the father and child 703
relationship is declared or if paternity or a duty of support 704
has been adjudicated under sections 3111.01 to 3111.18 of the 705
Revised Code or under prior law, the obligation of the father 706
may be enforced in the same or other proceedings by the mother, 707
the child, the caretaker of the child, or the public authority 708

that has furnished or may furnish the reasonable expenses of 709
pregnancy, confinement, education, support, or funeral, or by 710
any other person, including a private agency, to the extent that 711
any of them may furnish, has furnished, or is furnishing these 712
expenses. 713

(B) The court may order support payments to be made to the 714
mother, the clerk of the court, the caretaker, or a person or 715
agency designated to administer them for the benefit of the 716
child under the supervision of the court. 717

(C) Willful failure to obey the judgment or order of the 718
court is a civil contempt of the court. 719

Sec. 3111.29. Once an acknowledgment of paternity becomes 720
final under section 3111.25 of the Revised Code, the mother or 721
~~other custodian or guardian caretaker~~ of the child may do either 722
of the following: 723

(A) File a complaint pursuant to section 2151.231 of the 724
Revised Code in the juvenile court or other court with 725
jurisdiction under section 2101.022 or 2301.03 of the Revised 726
Code of the county in which the child or the ~~guardian or legal~~
~~custodian caretaker~~ of the child resides requesting that the 727
court order either the father or mother, or both, to pay an 728
amount for the support of the child; 729
730

(B) Contact the child support enforcement agency for 731
assistance in obtaining a child support order as defined in 732
section 3119.01 of the Revised Code. 733

Sec. 3111.38. At the request of a person described in 734
division (A) of section 3111.04 of the Revised Code, the child 735
support enforcement agency of the county in which a child 736
resides or in which the ~~guardian or legal custodian caretaker~~ of 737

the child resides shall determine the existence or nonexistence 738
of a parent and child relationship between an alleged father and 739
the child if an application for services administered under 740
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 741
42 U.S.C. 651, as amended, or other IV-D referral has been 742
completed and filed. 743

Sec. 3111.381. (A) Except as provided in divisions (B), 744
(C), (D), ~~and (E)~~, and (F) of this section, no person may bring 745
an action under sections 3111.01 to 3111.18 of the Revised Code 746
unless the person has requested an administrative determination 747
under section 3111.38 of the Revised Code of the existence or 748
nonexistence of a parent and child relationship. 749

(B) An action to determine the existence or nonexistence 750
of a parent and child relationship may be brought by the child's 751
mother in the appropriate division of the court of common pleas 752
in the county in which the child resides, without requesting an 753
administrative determination, if the child's mother brings the 754
action in order to request an order to determine the allocation 755
of parental rights and responsibilities, the payment of all or 756
any part of the reasonable expenses of the mother's pregnancy 757
and confinement, or support of the child. The clerk of the court 758
shall forward a copy of the complaint to the child support 759
enforcement agency of the county in which the complaint is 760
filed. 761

(C) An action to determine the existence or nonexistence 762
of a parent and child relationship may be brought by the 763
putative father of the child in the appropriate division of the 764
court of common pleas in the county in which the child resides, 765
without requesting an administrative determination, if the 766
putative father brings the action in order to request an order 767

to determine the allocation of parental rights and 768
responsibilities. The clerk of the court shall forward a copy of 769
the complaint to the child support enforcement agency of the 770
county in which the complaint is filed. 771

(D) An action to determine the existence or nonexistence 772
of a parent and child relationship may be brought by the 773
caretaker of the child in the appropriate division of the court 774
of common pleas in the county in which the child resides, 775
without requesting an administrative determination, if the 776
caretaker brings the action in order to request support of the 777
child. The clerk of the court shall forward a copy of the 778
complaint to the child support enforcement agency of the county 779
in which the complaint is filed. 780

(E) If services are requested by the court, under 781
divisions (B) ~~and~~, (C), and (D) of this section, of the child 782
support enforcement agency to determine the existence or 783
nonexistence of a parent and child relationship, a Title IV-D 784
application must be completed and delivered to the child support 785
enforcement agency. 786

~~(E)~~ (F) If the alleged father of a child is deceased and 787
proceedings for the probate of the estate of the alleged father 788
have been or can be commenced, the court with jurisdiction over 789
the probate proceedings shall retain jurisdiction to determine 790
the existence or nonexistence of a parent and child relationship 791
between the alleged father and any child without an 792
administrative determination being requested from a child 793
support enforcement agency. 794

If an action for divorce, dissolution of marriage, or 795
legal separation, or an action under section 2151.231 or 796
2151.232 of the Revised Code requesting an order requiring the 797

payment of child support and provision for the health care of a 798
child, has been filed in a court of common pleas and a question 799
as to the existence or nonexistence of a parent and child 800
relationship arises, the court in which the original action was 801
filed shall retain jurisdiction to determine the existence or 802
nonexistence of the parent and child relationship without an 803
administrative determination being requested from a child 804
support enforcement agency. 805

If a juvenile court or other court with jurisdiction under 806
section 2101.022 or 2301.03 of the Revised Code issues a support 807
order under section 2151.231 or 2151.232 of the Revised Code 808
relying on a presumption under section 3111.03 of the Revised 809
Code, the juvenile court or other court with jurisdiction that 810
issued the support order shall retain jurisdiction if a question 811
as to the existence of a parent and child relationship arises. 812

Sec. 3111.48. An administrative officer shall include in 813
an order issued under section 3111.46 of the Revised Code a 814
notice that contains the information described in section 815
3111.49 of the Revised Code informing the mother, father, and 816
~~the guardian or legal custodian caretaker~~ of the child of the 817
right to bring an action under sections 3111.01 to 3111.18 of 818
the Revised Code and of the effect of failure to timely bring 819
the action. 820

An agency shall include in an administrative order issued 821
under section 3111.47 of the Revised Code a notice that contains 822
the information described in section 3111.50 of the Revised Code 823
informing the parties of their right to bring an action under 824
sections 3111.01 to 3111.18 of the Revised Code. 825

Sec. 3111.49. The mother, alleged father, and ~~guardian or~~ 826
~~legal custodian caretaker~~ of a child may object to an 827

administrative order determining the existence or nonexistence 828
of a parent and child relationship by bringing, within fourteen 829
days after the date the administrative officer issues the order, 830
an action under sections 3111.01 to 3111.18 of the Revised Code 831
in the juvenile court or other court with jurisdiction under 832
section 2101.022 or 2301.03 of the Revised Code in the county in 833
which the child support enforcement agency that employs the 834
administrative officer who issued the order is located. If the 835
action is not brought within the fourteen-day period, the 836
administrative order is final and enforceable by a court and may 837
not be challenged in an action or proceeding under Chapter 3111. 838
of the Revised Code. 839

Sec. 3111.78. A parent, ~~guardian, or legal custodian of a~~ 840
~~child, the person with whom the child resides, or caretaker of~~ 841
the child, or the child support enforcement agency of the county 842
in which the child, parent, ~~guardian, or legal custodian or~~ 843
caretaker of the child resides may do either of the following to 844
require a man to pay support and provide for the health care 845
needs of the child if the man is presumed to be the natural 846
father of the child under section 3111.03 of the Revised Code: 847

(A) If the presumption is not based on an acknowledgment 848
of paternity, file a complaint pursuant to section 2151.231 of 849
the Revised Code in the juvenile court or other court with 850
jurisdiction under section 2101.022 or 2301.03 of the Revised 851
Code of the county in which the child, parent, ~~guardian, or~~ 852
~~legal custodian caretaker~~ resides; 853

(B) Contact a child support enforcement agency to request 854
assistance in obtaining an order for support and the provision 855
of health care for the child. 856

Sec. 3119.01. (A) As used in the Revised Code, "child 857

support enforcement agency" means a child support enforcement 858
agency designated under former section 2301.35 of the Revised 859
Code prior to October 1, 1997, or a private or government entity 860
designated as a child support enforcement agency under section 861
307.981 of the Revised Code. 862

(B) As used in this chapter and Chapters 3121., 3123., and 863
3125. of the Revised Code: 864

(1) "Administrative child support order" means any order 865
issued by a child support enforcement agency for the support of 866
a child pursuant to section 3109.19 or 3111.81 of the Revised 867
Code or former section 3111.211 of the Revised Code, section 868
3111.21 of the Revised Code as that section existed prior to 869
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 870
Code as those sections existed prior to March 22, 2001. 871

(2) "Child support order" means either a court child 872
support order or an administrative child support order. 873

(3) "Obligee" means the person who is entitled to receive 874
the support payments under a support order. 875

(4) "Obligor" means the person who is required to pay 876
support under a support order. 877

(5) "Support order" means either an administrative child 878
support order or a court support order. 879

(C) As used in this chapter: 880

(1) "Caretaker" means any of the following, other than a 881
parent: 882

(a) A person with whom the child resides for at least 883
thirty consecutive days, and who is the child's primary 884
caregiver; 885

<u>(b) A person who is receiving public assistance on behalf</u>	886
<u>of the child;</u>	887
<u>(c) A person or agency with legal custody of the child,</u>	888
<u>including a county department of job and family services or a</u>	889
<u>public children services agency;</u>	890
<u>(d) A guardian of the person or the estate of a child;</u>	891
<u>(e) Any other appropriate court or agency with custody of</u>	892
<u>the child.</u>	893
<u>"Caretaker" excludes a "host family" as defined under</u>	894
<u>section 2151.90 of the Revised Code.</u>	895
<u>(2) "Cash medical support" means an amount ordered to be</u>	896
paid in a child support order toward the ordinary medical	897
expenses incurred during a calendar year.	898
(2) <u>(3) "Child care cost" means annual out-of-pocket costs</u>	899
for the care and supervision of a child or children subject to	900
the order that is related to work or employment training.	901
(3) <u>(4) "Court child support order" means any order issued</u>	902
by a court for the support of a child pursuant to Chapter 3115.	903
of the Revised Code, section 2151.23, 2151.231, 2151.232,	904
2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19,	905
3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the	906
Revised Code, or division (B) of former section 3113.21 of the	907
Revised Code.	908
(4) <u>(5) "Court-ordered parenting time" means the amount of</u>	909
parenting time a parent is to have under a parenting time order	910
or the amount of time the children are to be in the physical	911
custody of a parent under a shared parenting order.	912
(5) <u>(6) "Court support order" means either a court child</u>	913

support order or an order for the support of a spouse or former 914
spouse issued pursuant to Chapter 3115. of the Revised Code, 915
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 916
division (B) of former section 3113.21 of the Revised Code. 917

~~(6)~~(7) "CPI-U" means the consumer price index for all 918
urban consumers, published by the United States department of 919
labor, bureau of labor statistics. 920

~~(7)~~(8) "Extraordinary medical expenses" means any 921
uninsured medical expenses incurred for a child during a 922
calendar year that exceed the total cash medical support amount 923
owed by the parents during that year. 924

~~(8)~~(9) "Federal poverty level" has the same meaning as in 925
section 5121.30 of the Revised Code. 926

~~(9)~~(10) "Income" means either of the following: 927

(a) For a parent who is employed to full capacity, the 928
gross income of the parent; 929

(b) For a parent who is unemployed or underemployed, the 930
sum of the gross income of the parent and any potential income 931
of the parent. 932

~~(10)~~(11) "Income share" means the percentage derived from 933
a comparison of each parent's annual income after allowable 934
deductions and credits as indicated on the worksheet to the 935
total annual income of both parents. 936

~~(11)~~(12) "Insurer" means any person authorized under 937
Title XXXIX of the Revised Code to engage in the business of 938
insurance in this state, any health insuring corporation, and 939
any legal entity that is self-insured and provides benefits to 940
its employees or members. 941

~~(12)~~ (13) "Gross income" means, except as excluded in 942
division ~~(C) (12)~~ (C) (13) of this section, the total of all 943
earned and unearned income from all sources during a calendar 944
year, whether or not the income is taxable, and includes income 945
from salaries, wages, overtime pay, and bonuses to the extent 946
described in division (D) of section 3119.05 of the Revised 947
Code; commissions; royalties; tips; rents; dividends; severance 948
pay; pensions; interest; trust income; annuities; social 949
security benefits, including retirement, disability, and 950
survivor benefits that are not means-tested; workers' 951
compensation benefits; unemployment insurance benefits; 952
disability insurance benefits; benefits that are not means- 953
tested and that are received by and in the possession of the 954
veteran who is the beneficiary for any service-connected 955
disability under a program or law administered by the United 956
States department of veterans' affairs or veterans' 957
administration; spousal support actually received; and all other 958
sources of income. "Gross income" includes income of members of 959
any branch of the United States armed services or national 960
guard, including, amounts representing base pay, basic allowance 961
for quarters, basic allowance for subsistence, supplemental 962
subsistence allowance, cost of living adjustment, specialty pay, 963
variable housing allowance, and pay for training or other types 964
of required drills; self-generated income; and potential cash 965
flow from any source. 966

"Gross income" does not include any of the following: 967

(a) Benefits received from means-tested government 968
administered programs, including Ohio works first; prevention, 969
retention, and contingency; means-tested veterans' benefits; 970
supplemental security income; supplemental nutrition assistance 971
program; disability financial assistance; or other assistance 972

for which eligibility is determined on the basis of income or	973
assets;	974
(b) Benefits for any service-connected disability under a	975
program or law administered by the United States department of	976
veterans' affairs or veterans' administration that are not	977
means-tested, that have not been distributed to the veteran who	978
is the beneficiary of the benefits, and that are in the	979
possession of the United States department of veterans' affairs	980
or veterans' administration;	981
(c) Child support amounts received for children who are	982
not included in the current calculation;	983
(d) Amounts paid for mandatory deductions from wages such	984
as union dues but not taxes, social security, or retirement in	985
lieu of social security;	986
(e) Nonrecurring or unsustainable income or cash flow	987
items;	988
(f) Adoption assistance and foster care maintenance	989
payments made pursuant to Title IV-E of the "Social Security	990
Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended.	991
(13) -(14) "Nonrecurring or unsustainable income or cash	992
flow item" means an income or cash flow item the parent receives	993
in any year or for any number of years not to exceed three years	994
that the parent does not expect to continue to receive on a	995
regular basis. "Nonrecurring or unsustainable income or cash	996
flow item" does not include a lottery prize award that is not	997
paid in a lump sum or any other item of income or cash flow that	998
the parent receives or expects to receive for each year for a	999
period of more than three years or that the parent receives and	1000
invests or otherwise uses to produce income or cash flow for a	1001

period of more than three years. 1002

~~(14)~~ (15) "Ordinary medical expenses" includes copayments 1003
and deductibles, and uninsured medical-related costs for the 1004
children of the order. 1005

~~(15) (a)~~ (16) (a) "Ordinary and necessary expenses incurred 1006
in generating gross receipts" means actual cash items expended 1007
by the parent or the parent's business and includes depreciation 1008
expenses of business equipment as shown on the books of a 1009
business entity. 1010

(b) Except as specifically included in "ordinary and 1011
necessary expenses incurred in generating gross receipts" by 1012
division ~~(C) (15) (a)~~ (C) (16) (b) of this section, "ordinary and 1013
necessary expenses incurred in generating gross receipts" does 1014
not include depreciation expenses and other noncash items that 1015
are allowed as deductions on any federal tax return of the 1016
parent or the parent's business. 1017

~~(16)~~ (17) "Personal earnings" means compensation paid or 1018
payable for personal services, however denominated, and includes 1019
wages, salary, commissions, bonuses, draws against commissions, 1020
profit sharing, vacation pay, or any other compensation. 1021

~~(17)~~ (18) "Potential income" means both of the following 1022
for a parent who the court pursuant to a court support order, or 1023
a child support enforcement agency pursuant to an administrative 1024
child support order, determines is voluntarily unemployed or 1025
voluntarily underemployed: 1026

(a) Imputed income that the court or agency determines the 1027
parent would have earned if fully employed as determined from 1028
the following criteria: 1029

(i) The parent's prior employment experience; 1030

(ii) The parent's education;	1031
(iii) The parent's physical and mental disabilities, if any;	1032 1033
(iv) The availability of employment in the geographic area in which the parent resides;	1034 1035
(v) The prevailing wage and salary levels in the geographic area in which the parent resides;	1036 1037
(vi) The parent's special skills and training;	1038
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	1039 1040
(viii) The age and special needs of the child for whom child support is being calculated under this section;	1041 1042
(ix) The parent's increased earning capacity because of experience;	1043 1044
(x) The parent's decreased earning capacity because of a felony conviction;	1045 1046
(xi) Any other relevant factor.	1047
(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.	1048 1049 1050 1051 1052 1053
(18) <u>(19)</u> "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	1054 1055 1056
(19) <u>(20)</u> "Self-generated income" means gross receipts	1057

received by a parent from self-employment, proprietorship of a 1058
business, joint ownership of a partnership or closely held 1059
corporation, and rents minus ordinary and necessary expenses 1060
incurred by the parent in generating the gross receipts. "Self- 1061
generated income" includes expense reimbursements or in-kind 1062
payments received by a parent from self-employment, the 1063
operation of a business, or rents, including company cars, free 1064
housing, reimbursed meals, and other benefits, if the 1065
reimbursements are significant and reduce personal living 1066
expenses. 1067

~~(20)~~ (21) "Self-sufficiency reserve" means the minimal 1068
amount necessary for an obligor to adequately subsist upon, as 1069
determined under section 3119.021 of the Revised Code. 1070

~~(21)~~ (22) "Split parental rights and responsibilities" 1071
means a situation in which there is more than one child who is 1072
the subject of an allocation of parental rights and 1073
responsibilities and each parent is the residential parent and 1074
legal custodian of at least one of those children. 1075

~~(22)~~ (23) "Worksheet" means the applicable worksheet 1076
created in rules adopted under section 3119.022 of the Revised 1077
Code that is used to calculate a parent's child support 1078
obligation. 1079

Sec. 3119.06. (A) Except as otherwise provided in this 1080
section, in any action in which a court or a child support 1081
enforcement agency issues or modifies a child support order or 1082
in any other proceeding in which a court or agency determines 1083
the amount of child support to be paid pursuant to a child 1084
support order, the court or agency shall issue a minimum child 1085
support order requiring the obligor to pay a minimum of eighty 1086
dollars a month for all the children subject to that order. The 1087

court or agency, in its discretion and in appropriate 1088
circumstances, may issue a minimum child support order of less 1089
than eighty dollars a month or issue an order not requiring the 1090
obligor to pay any child support amount. The circumstances under 1091
which a court or agency may issue such an order include the 1092
nonresidential parent's medically verified or documented 1093
physical or mental disability or institutionalization in a 1094
facility for persons with a mental illness or any other 1095
circumstances considered appropriate by the court or agency. 1096

If a court or agency issues a minimum child support 1097
obligation pursuant to this section and the obligor under the 1098
support order is the recipient of means-tested public 1099
assistance, as described in division ~~(C) (12) (a)~~ (C) (13) (a) of 1100
section 3119.01 of the Revised Code, any unpaid amounts of 1101
support due under the support order shall accrue as arrearages 1102
from month to month, and the obligor's current obligation to pay 1103
the support due under the support order is suspended during any 1104
period of time that the obligor is receiving means-tested public 1105
assistance and is complying with any seek work orders issued 1106
pursuant to section 3121.03 of the Revised Code. The court, 1107
obligee, and child support enforcement agency shall not enforce 1108
the obligation of the obligor to pay the amount of support due 1109
under the support order while the obligor is receiving means- 1110
tested public assistance and is complying with any seek work 1111
orders issued pursuant to section 3121.03 of the Revised Code. 1112

(B) As used in this section, "means-tested public 1113
assistance" includes cash assistance payments under the Ohio 1114
works first program established under Chapter 5107. of the 1115
Revised Code, financial assistance under the disability 1116
financial assistance program established under Chapter 5115. of 1117
the Revised Code, supplemental security income, or means-tested 1118

veterans' benefits. 1119

Sec. 3119.07. (A) Except when the parents have split 1120
parental rights and responsibilities, a parent's child support 1121
obligation for a child for whom the parent is the residential 1122
parent and legal custodian shall be presumed to be spent on that 1123
child and shall not become part of a child support order, and a 1124
parent's child support obligation for a child for whom the 1125
parent is not the residential parent and legal custodian shall 1126
become part of a child support order. 1127

(B) If the parents have split parental rights and 1128
responsibilities, the child support obligations of the parents 1129
shall be offset, and ~~the court shall issue a child support order~~ 1130
~~requiring~~ the parent with the larger child support obligation ~~to~~ 1131
shall pay the net amount pursuant to the child support order. 1132

(C) If neither parent of a child who is the subject of a 1133
child support order is the residential parent and legal 1134
custodian of the child and the child resides with a ~~third party~~ 1135
~~who is the legal custodian of the child~~caretaker, ~~the court~~ 1136
~~shall issue a child support order requiring each parent to~~shall 1137
pay that parent's child support obligation pursuant to the child 1138
support order. 1139

Sec. 3119.95. A child support order subject to sections 1140
3119.951 to 3119.9541 of the Revised Code shall include the 1141
health care coverage and cash medical support required for the 1142
child subject to the order. 1143

Sec. 3119.951. The caretaker of a child may file an 1144
application for Title IV-D services with the child support 1145
enforcement agency in the county in which the caretaker resides 1146
to obtain support for the care of the child. 1147

Sec. 3119.953. (A) On receipt of an application for Title IV-D services from the caretaker of a child under section 3119.951 of the Revised Code, or a Title IV-D services referral regarding the child, the child support enforcement agency shall determine whether the child is the subject of an existing child support order. 1148
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(B) If the child is the subject of an existing child support order, the agency shall comply with sections 3119.955 to 3119.9519 of the Revised Code. 1154
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(C) If the child is not the subject of an existing child support order, the agency shall comply with sections 3119.9523 and 3119.9525 of the Revised Code. 1157
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Sec. 3119.955. (A) If a child support enforcement agency determines under section 3119.953 of the Revised Code that there is an existing child support order regarding the child in the care of a caretaker, the agency shall determine if any reason exists for which the child support order should be redirected to the caretaker. If the agency determines that the caretaker is the primary caregiver of the child, the agency shall determine that a reason exists for redirection. 1160
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(B) If the agency determines that a reason exists for redirection, the agency also shall determine all of the following: 1168
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(1) The amount of each parent's obligation under the existing child support order that may be subject to redirection; 1171
1172

(2) Whether any prior redirection has been terminated under sections 3119.9531 to 3119.9535 of the Revised Code; 1173
1174

(3) Whether any arrearages are owed, and the recommended payment amount to satisfy such arrears; 1175
1176

(4) If more than one child is subject to the existing 1177
child support order, whether the child support order for all or 1178
some of the children shall be subject to redirection. 1179

(C) The agency shall make the determinations required 1180
under this section not later than twenty days after receipt of a 1181
Title IV-D services application or referral under section 1182
3119.953 of the Revised Code. 1183

Sec. 3119.957. If the child support enforcement agency 1184
determines under section 3119.955 of the Revised Code that more 1185
than one child is the subject of a child support order and the 1186
order for fewer than all of the children should be redirected, 1187
the agency shall determine the amount of child support to be 1188
redirected, which amount shall equal the pro rata share of the 1189
child support amounts for each such child under the child 1190
support order. The agency also shall make, in relation to the 1191
determination of the amount of child support that may be 1192
redirected, a determination regarding the health care coverage 1193
and cash medical support under the child support order that may 1194
be redirected. 1195

Sec. 3119.9511. Not later than twenty days after 1196
completion of an investigation of a child support order under 1197
section 3119.955 or 3119.957 of the Revised Code, the child 1198
support enforcement agency shall determine, based on the 1199
information gathered, whether the order shall or shall not be 1200
redirected under sections 3119.9513 and 3119.9515 of the Revised 1201
Code. 1202

Sec. 3119.9513. If the child support enforcement agency 1203
determines that a child support order should be redirected, the 1204
agency shall do one of the following: 1205

(A) For an administrative child support order, the agency shall issue a redirection order that shall include the child support amount to be redirected and provisions for redirection regarding health care coverage and cash medical support. 1206
1207
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(B) For a court child support order, the agency shall recommend to the court that has jurisdiction over the support order to issue a redirection order and include the child support amount to be redirected and provisions for redirection regarding health care coverage and cash medical support. 1210
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Sec. 3119.9515. (A) On issuing an order or making a recommendation under section 3119.9513 of the Revised Code, the child support enforcement agency shall provide notice of the following to the parent or caretaker of the child subject to the order or recommendation: 1215
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(1) The results of its investigation under section 3119.955 or 3119.957 of the Revised Code; 1220
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(2) For an administrative child support order, notice of the following: 1222
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(a) That the agency has issued a redirection order under section 3119.9513 of the Revised Code regarding the child support order and a copy of the redirection order; 1224
1225
1226

(b) The right to object to the redirection order by bringing an action under section 2151.231 of the Revised Code not later than fourteen days after the order is issued; 1227
1228
1229

(c) That the order becomes final and enforceable if no timely objection is made; 1230
1231

(d) The effective date of the order as determined under section 3119.9519 of the Revised Code. 1232
1233

(3) For a court child support order, notice of the 1234
following: 1235

(a) That the agency has made a recommendation for a 1236
redirection order under section 3119.9513 of the Revised Code to 1237
the court that has jurisdiction over the court child support 1238
order, and a copy of the recommendation; 1239

(b) The right to object to the redirection by requesting a 1240
hearing with the court that has jurisdiction over the court 1241
child support order not later than fourteen days after the 1242
recommendation is issued; 1243

(c) That the recommendation will be submitted to the court 1244
for inclusion in a redirection order, unless a request for a 1245
court hearing is made not later than fourteen days after the 1246
recommendation is issued; 1247

(d) The effective date of the redirection order as 1248
determined under section 3119.9519 of the Revised Code. 1249

(B) The notice under division (A) of this section shall be 1250
included as part of the applicable order or recommendation. 1251

Sec. 3119.9517. (A) A parent or caretaker may object to an 1252
order issued under section 3119.9513 of the Revised Code by 1253
bringing an action under section 2151.231 of the Revised Code 1254
not later than fourteen days after the notice is issued under 1255
division (A)(2) of section 3119.9515 of the Revised Code. The 1256
order shall be final and enforceable if no objection is timely 1257
made. 1258

(B) A parent or caretaker may object to a recommendation 1259
issued under section 3119.9513 of the Revised Code by requesting 1260
a hearing with the court that has jurisdiction over the court 1261
child support order not later than fourteen days after the 1262

recommendation is issued under division (A) (3) of section 1263
3119.9515 of the Revised Code. The recommendation shall be 1264
submitted to the court for inclusion in a redirection order, 1265
unless a request for a court hearing is made not later than 1266
fourteen days after the recommendation is issued. 1267

Sec. 3119.9519. (A) The redirection of a child support 1268
order under a redirection order that has become final as 1269
provided under section 3119.9517 of the Revised Code shall take 1270
effect as of, and relate back to, the date that the child 1271
support enforcement agency received the Title IV-D services 1272
application or referral under section 3119.953 of the Revised 1273
Code that initiated the proceedings resulting in the order. 1274

(B) A redirection order under section 3119.9517 of the 1275
Revised Code based on a recommendation for redirection shall 1276
take effect as of, and relate back to, the date that the child 1277
support enforcement agency received the Title IV-D services 1278
application or referral under section 3119.953 of the Revised 1279
Code that initiated the proceedings resulting in the redirection 1280
order. 1281

Sec. 3119.9523. If a child support enforcement agency 1282
determines under section 3119.953 of the Revised Code that the 1283
child in the care of the caretaker is not subject to an existing 1284
child support order, the agency shall determine, not later than 1285
twenty days after its receipt of the Title IV-D services 1286
application or referral under section 3119.953 of the Revised 1287
Code, whether any reason exists for which a child support order 1288
for the child should be imposed. That determination shall 1289
include whether the caretaker is the child's primary caregiver. 1290

Sec. 3119.9525. If, pursuant to an investigation under 1291
section 3119.9523 of the Revised Code, the child support 1292

enforcement agency determines that a reason exists for a child 1293
support order to be imposed regarding the child subject of the 1294
investigation, the agency shall comply with sections 3111.80 to 1295
3111.84 of the Revised Code. 1296

Sec. 3119.9527. If a child support enforcement agency 1297
receives notice that a caretaker is no longer the primary 1298
caregiver for a child subject to a redirection order or 1299
recommendation issued under section 3119.9513 of the Revised 1300
Code, the agency shall do both of the following: 1301

(A) Investigate whether the caretaker to whom support 1302
amounts are redirected under the existing redirection order or 1303
recommendation is still the primary caregiver for the child; 1304

(B) Take action as applicable under sections 3119.9529 to 1305
3119.9535 of the Revised Code. 1306

Sec. 3119.9529. If, upon investigation under section 1307
3119.9527 of the Revised Code, the child support enforcement 1308
agency determines that the caretaker to whom support amounts are 1309
redirected remains the primary caregiver of the child who is the 1310
subject of the redirection order or recommendation, the agency 1311
shall take no further action on the notice received under 1312
section 3119.9527 of the Revised Code. 1313

Sec. 3119.9531. If, after an investigation under section 1314
3119.9527 of the Revised Code, the child support enforcement 1315
agency determines that a new caretaker is the primary caregiver 1316
for the child who is the subject of the redirection order or 1317
recommendation, the agency shall do both of the following: 1318

(A) Terminate the existing redirection order or request 1319
that the court terminate the redirection order based on the 1320
recommendation, whichever is applicable; 1321

(B) Direct the new caretaker to file an application for 1322
Title IV-D services under section 3119.951 of the Revised Code. 1323

Sec. 3119.9533. If, after an investigation under section 1324
3119.9527 of the Revised Code, the child support enforcement 1325
agency determines that a parent of the child who is the subject 1326
of the redirection order or recommendation is the primary 1327
caregiver of the child, the agency shall do one of the 1328
following: 1329

(A) If the parent is the obligee under the child support 1330
order that is subject to redirection, terminate the existing 1331
redirection order or request the court to terminate the 1332
redirection order based on the recommendation, whichever is 1333
applicable. 1334

(B) If the parent is the obligor under the child support 1335
order that is subject to redirection: 1336

(1) Terminate the existing redirection order or request 1337
the court to terminate the redirection order based on the 1338
recommendation, whichever is applicable; and 1339

(2) Notify the obligor that he or she may do the 1340
following: 1341

(a) Request that the child support order be terminated 1342
pursuant to section 3119.87 of the Revised Code; 1343

(b) Request either of the following, whichever is 1344
applicable: 1345

(i) For an administrative child support order, request a 1346
review of the order under sections 3119.60 and 3119.61 of the 1347
Revised Code; 1348

(ii) For a court child support order, request the court 1349

with jurisdiction over the order to amend the order. 1350

Sec. 3119.9535. If, after an investigation under section 1351
3119.9527 of the Revised Code, the child support enforcement 1352
agency determines that the child who is the subject of the 1353
redirection order or recommendation is not under the care of any 1354
individual, the agency shall do the following: 1355

(A) Terminate the existing redirection order or request 1356
the court to terminate the redirection order based on the 1357
recommendation, whichever is applicable; 1358

(B) If the agency becomes aware of circumstances 1359
indicating that the child may be abused or neglected, make a 1360
report under section 2151.421 of the Revised Code. 1361

Sec. 3119.9537. (A) If a child support enforcement agency 1362
receives a notification under section 3119.9527 of the Revised 1363
Code, the agency shall impound any funds received on behalf of 1364
the child pursuant to the child support order to which the 1365
notification applies. 1366

(B) Impoundment shall continue under this section until 1367
the occurrence of any of the following: 1368

(1) The agency makes a determination under section 1369
3119.9529 of the Revised Code; 1370

(2) The agency issues a redirection order for a new 1371
caretaker under sections 3119.951 to 3119.9519 and 3119.9531 of 1372
the Revised Code; 1373

(3) The agency, under section 3119.9533 of the Revised 1374
Code, terminates the redirection order or a court terminates its 1375
redirection order; 1376

(C) On termination of impoundment as described in division 1377

(B) of this section, impounded amounts shall be paid to the 1378
obligee designated under the child support order or under the 1379
applicable redirection order. 1380

Sec. 3119.9539. Impoundment of child support under section 1381
3119.9537 of the Revised Code regarding a redirection order 1382
described in section 3119.9535 of the Revised Code shall 1383
continue until further order from the child support enforcement 1384
agency administering the administrative child support order or 1385
from the court with jurisdiction over the court child support 1386
order, whichever is applicable. 1387

Sec. 3119.9541. The director of job and family services 1388
shall adopt rules in accordance with Chapter 119. of the Revised 1389
Code to provide for both of the following: 1390

(A) Requirements for child support enforcement agencies to 1391
conduct investigations and issue findings pursuant to sections 1392
3119.955 and 3119.957 of the Revised Code; 1393

(B) Any other standards, forms, or procedures needed to 1394
ensure uniform implementation of sections 3119.95 to 3119.9539 1395
of the Revised Code. 1396

Sec. 3121.29. Each support order, or modification of a 1397
support order, shall contain a notice that states the following 1398
in boldface type and in all capital letters: 1399

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD 1400
SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT 1401
MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE 1402
TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY 1403
CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY 1404
OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, 1405
WHICHEVER ISSUED THE SUPPORT ORDER. 1406

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU 1407
FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO 1408
\$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR 1409
EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER 1410
ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO 1411
GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT 1412
AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT 1413
MORE THAN 90 DAYS. 1414

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE 1415
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU 1416
MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE 1417
CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, REDIRECTION, OR 1418
TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR 1419
AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE 1420
NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: 1421
IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR 1422
PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR 1423
RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS 1424
RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL 1425
INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN 1426
MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION." 1427

Section 2. That existing sections 2151.231, 3103.03, 1428
3109.53, 3109.66, 3111.01, 3111.04, 3111.06, 3111.07, 3111.111, 1429
3111.15, 3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 3111.78, 1430
3119.01, 3119.06, 3119.07, and 3121.29 of the Revised Code are 1431
hereby repealed. 1432

Section 3. That section 3121.46 of the Revised Code is 1433
hereby repealed. 1434

Section 4. Sections 1, 2, and 3 of this act take effect 1435
six months after the effective date of this section. During that 1436

six-month period, the Ohio department of job and family services 1437
shall perform system changes, create rules and forms, and make 1438
any other changes as necessary to implement the provisions of 1439
this act. 1440

Section 5. Section 3119.06 of the Revised Code is 1441
presented in this act as a composite of the section as amended 1442
by both H.B. 366 and S.B. 70 of the 132nd General Assembly. The 1443
General Assembly, applying the principle stated in division (B) 1444
of section 1.52 of the Revised Code that amendments are to be 1445
harmonized if reasonably capable of simultaneous operation, 1446
finds that the composite is the resulting version of the section 1447
in effect prior to the effective date of the section as 1448
presented in this act. 1449