

As Introduced

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

H. B. No. 615

Representatives Jones, Williams



A BILL

To amend sections 109.65, 109.741, 109.77, 109.79, 1
121.37, 121.38, 149.435, 307.86, 2101.17, 2
2151.011, 2151.10, 2151.141, 2151.18, 2151.23, 3
2151.236, 2151.24, 2151.25, 2151.27, 2151.272, 4
2151.28, 2151.281, 2151.31, 2151.312, 2151.314, 5
2151.315, 2151.33, 2151.331, 2151.35, 2151.353, 6
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2152.71, 2301.03, 2317.01, 2317.02, 2501.02, 10
2710.05, 2919.21, 2919.23, 2921.14, 3105.51, 11
3107.161, 3109.04, 3109.051, 3109.052, 3109.11, 12
3109.12, 3109.46, 3113.31, 3119.05, 3119.23, 13
3127.01, 3127.23, 3127.38, 3313.642, 3321.22, 14
3796.24, 4501.21, 5103.04, 5107.10, 5123.93, 15
5153.122, 5153.123, and 5153.16; to enact new 16
sections 2151.03 and 2151.031; to repeal 17
sections 2151.03, 2151.031, 2151.04, and 2151.05 18
of the Revised Code, and to amend the versions 19
of sections 109.65, 121.37, 2151.011, 2151.281, 20
2151.353, 2151.36, 2151.412, 5103.04, 5153.122, 21
5153.123, and 5153.16 of the Revised Code that 22
are scheduled to take effect on January 1, 2025, 23
to continue the changes on and after that date 24

regarding abused, neglected, or dependent 25
children as children in need of protective 26
services. 27

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

Section 1. That sections 109.65, 109.741, 109.77, 109.79, 28
121.37, 121.38, 149.435, 307.86, 2101.17, 2151.011, 2151.10, 29
2151.141, 2151.18, 2151.23, 2151.236, 2151.24, 2151.25, 2151.27, 30
2151.272, 2151.28, 2151.281, 2151.31, 2151.312, 2151.314, 31
2151.315, 2151.33, 2151.331, 2151.35, 2151.353, 2151.359, 32
2151.3514, 2151.3522, 2151.3523, 2151.3524, 2151.36, 2151.40, 33
2151.412, 2151.414, 2151.44, 2151.54, 2151.65, 2152.19, 2152.59, 34
2152.71, 2301.03, 2317.01, 2317.02, 2501.02, 2710.05, 2919.21, 35
2919.23, 2921.14, 3105.51, 3107.161, 3109.04, 3109.051, 36
3109.052, 3109.11, 3109.12, 3109.46, 3113.31, 3119.05, 3119.23, 37
3127.01, 3127.23, 3127.38, 3313.642, 3321.22, 3796.24, 4501.21, 38
5103.04, 5107.10, 5123.93, 5153.122, 5153.123, and 5153.16 be 39
amended and new sections 2151.03 and 2151.031 of the Revised 40
Code be enacted to read as follows: 41

Sec. 109.65. (A) As used in this section, "minor," 42
"missing child," and "missing children" have the same meanings 43
as in section 2901.30 of the Revised Code. 44

(B) There is hereby created within the office of the 45
attorney general the missing children clearinghouse. The 46
attorney general shall administer the clearinghouse. The 47
clearinghouse is established as a central repository of 48
information to coordinate and improve the availability of 49
information regarding missing children, which information shall 50

be collected and disseminated by the clearinghouse to assist in 51
the location of missing children. The clearinghouse shall act as 52
an information repository separate from and in addition to law 53
enforcement agencies within this state. 54

(C) The missing children clearinghouse may perform any of 55
the following functions: 56

(1) The establishment of services to aid in the location 57
of missing children that include, but are not limited to, any of 58
the following services: 59

(a) Assistance in the preparation and dissemination of 60
flyers identifying and describing missing children and their 61
abductors; 62

(b) The development of informational forms for the 63
reporting of missing children that may be used by parents, 64
guardians, and law enforcement officials to facilitate the 65
location of a missing child; 66

(c) The provision of assistance to public and private 67
organizations, boards of education, nonpublic schools, 68
preschools, child care facilities, and law enforcement agencies 69
in planning and implementing voluntary programs to fingerprint 70
children. 71

(2) The establishment and operation of a toll-free 72
telephone line for supplemental reports of missing children and 73
reports of sightings of missing children; 74

(3) Upon the request of any person or entity and upon 75
payment of any applicable fee established by the attorney 76
general under division (H) of this section, the provision to the 77
person or entity who makes the request of a copy of any 78
information possessed by the clearinghouse that was acquired or 79

prepared pursuant to division (E) (3) of this section;	80
(4) The performance of liaison services between individuals and public and private agencies regarding procedures for handling and responding to missing children reports;	81 82 83
(5) The participation as a member in any networks of other missing children centers or clearinghouses;	84 85
(6) The creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing children.	86 87 88
(D) If a board of education is notified by school personnel that a missing child is attending any school under the board's jurisdiction, or if the principal or chief administrative officer of a nonpublic school is notified by school personnel that a missing child is attending that school, the board or the principal or chief administrative officer immediately shall give notice of that fact to the missing children clearinghouse and to the law enforcement agency with jurisdiction over the area where the missing child resides.	89 90 91 92 93 94 95 96 97
(E) (1) The attorney general, in cooperation with the department of job and family services, shall establish a "missing child educational program" within the missing children clearinghouse that shall perform the functions specified in divisions (E) (1) to (3) of this section. The program shall operate under the supervision and control of the attorney general in accordance with procedures that the attorney general shall develop to implement divisions (E) (1) to (3) of this section. The attorney general shall cooperate with the department of education and workforce in developing and disseminating information acquired or prepared pursuant to	98 99 100 101 102 103 104 105 106 107 108

division (E) (3) of this section.	109
(2) Upon the request of any board of education in this state or any nonpublic school in this state, the missing child educational program shall provide to the board or school a reasonable number of copies of the information acquired or prepared pursuant to division (E) (3) of this section.	110 111 112 113 114
Upon the request of any board of education in this state or any nonpublic school in this state that, pursuant to section 3313.96 of the Revised Code, is developing an information program concerning missing children issues and matters, the missing child educational program shall provide to the board or nonpublic school assistance in developing the information program. The assistance may include, but is not limited to, the provision of any or all of the following:	115 116 117 118 119 120 121 122
(a) If the requesting entity is a board of education of a school district, sample policies on missing and exploited children issues to assist the board in complying with section 3313.205 of the Revised Code;	123 124 125 126
(b) Suggested safety curricula regarding missing children issues, including child safety and abduction prevention issues;	127 128
(c) Assistance in developing, with local law enforcement agencies, prosecuting attorneys, boards of education, school districts, and nonpublic schools, cooperative programs for fingerprinting children;	129 130 131 132
(d) Other assistance to further the goals of the program.	133
(3) The missing child educational program shall acquire or prepare informational materials relating to missing children issues and matters. These issues and matters include, but are not limited to, the following:	134 135 136 137

(a) The types of missing children;	138
(b) The reasons why and how minors become missing children, the potential adverse consequences of a minor becoming a missing child, and, in the case of minors who are considering running away from home or from the care, custody, and control of their parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or another person responsible for them, alternatives that may be available to address their concerns and problems;	139 140 141 142 143 144 145 146
(c) Offenses under federal law that could relate to missing children and other provisions of federal law that focus on missing children;	147 148 149
(d) Offenses under the Revised Code that could relate to missing children, including, but not limited to, kidnapping, abduction, unlawful restraint, child stealing, interference with custody, endangering children, domestic violence, abuse of <u>causing a child to be in need of protective services</u> and contributing to the dependency, neglect, <u>a child being in need of protective services or the unruliness,</u> or delinquency of a child, sexual offenses, drug offenses, prostitution offenses, and obscenity offenses, and other provisions of the Revised Code that could relate to missing children;	150 151 152 153 154 155 156 157 158 159
(e) Legislation being considered by the general assembly, legislatures of other states, the congress of the United States, and political subdivisions in this or any other state to address missing children issues;	160 161 162 163
(f) Sources of information on missing children issues;	164
(g) State, local, federal, and private systems for locating and identifying missing children;	165 166

(h) Law enforcement agency programs, responsibilities, and investigative techniques in missing children matters;	167 168
(i) Efforts on the community level in this and other states, concerning missing children issues and matters, by governmental entities and private organizations;	169 170 171
(j) The identification of private organizations that, among their primary objectives, address missing children issues and matters;	172 173 174
(k) How to avoid becoming a missing child and what to do if one becomes a missing child;	175 176
(l) Efforts that schools, parents, and members of a community can undertake to reduce the risk that a minor will become a missing child and to quickly locate or identify a minor if he becomes a missing child, including, but not limited to, fingerprinting programs.	177 178 179 180 181
(F) Each year the missing children clearinghouse shall issue a report describing its performance of the functions specified in division (E) of this section and shall provide a copy of the report to the speaker of the house of representatives, the president of the senate, the governor, the superintendent of the bureau of criminal identification and investigation, and the director of job and family services.	182 183 184 185 186 187 188
(G) Any state agency or political subdivision of this state that operates a missing children program or a clearinghouse for information about missing children shall coordinate its activities with the missing children clearinghouse.	189 190 191 192 193
(H) The attorney general shall determine a reasonable fee to be charged for providing to any person or entity other than a	194 195

state or local law enforcement agency of this or any other 196
state, a law enforcement agency of the United States, a board of 197
education of a school district in this state, a nonpublic school 198
in this state, a governmental entity in this state, or a public 199
library in this state, pursuant to division (A)(3) of this 200
section, copies of any information acquired or prepared pursuant 201
to division (E)(3) of this section. The attorney general shall 202
collect the fee prior to sending or giving copies of any 203
information to any person or entity for whom or which this 204
division requires the fee to be charged and shall deposit the 205
fee into the missing children fund created by division (I) of 206
this section. 207

(I) There is hereby created in the state treasury the 208
missing children fund that shall consist of all moneys awarded 209
to the state by donation, gift, or bequest, all other moneys 210
received for purposes of this section, and all fees collected 211
pursuant to this section or section 109.64 of the Revised Code. 212
The attorney general shall use the moneys in the missing 213
children fund only for purposes of the office of the attorney 214
general acquiring or preparing information pursuant to division 215
(E)(3) of this section. 216

(J) The failure of the missing children clearinghouse to 217
undertake any function or activity authorized in this section 218
does not create a cause of action against the state. 219

Sec. 109.741. The attorney general shall adopt, in 220
accordance with Chapter 119. or pursuant to section 109.74 of 221
the Revised Code, rules governing the training of peace officers 222
in the handling of missing children, missing persons, and child 223
abuse and neglect cases, including, beginning three years after 224
the effective date of this amendment, training about cases 225

involving children adjudicated to be a child in need of 226
protective services. The rules shall specify the amount of that 227
training necessary for the satisfactory completion of basic 228
training programs at approved peace officer training schools, 229
other than the Ohio peace officer training academy and the time 230
within which a peace officer is required to receive that 231
training, if the peace officer is appointed as a peace officer 232
before receiving that training. 233

Sec. 109.77. (A) As used in this section: 234

(1) "Felony" has the same meaning as in section 109.511 of 235
the Revised Code. 236

(2) "Companion animal" has the same meaning as in section 237
959.131 of the Revised Code. 238

(B) (1) Notwithstanding any general, special, or local law 239
or charter to the contrary, and except as otherwise provided in 240
this section, no person shall receive an original appointment on 241
a permanent basis as any of the following unless the person 242
previously has been awarded a certificate by the executive 243
director of the Ohio peace officer training commission attesting 244
to the person's satisfactory completion of an approved state, 245
county, municipal, or department of natural resources peace 246
officer basic training program: 247

(a) A peace officer of any county, township, municipal 248
corporation, regional transit authority, or metropolitan housing 249
authority; 250

(b) A natural resources law enforcement staff officer, 251
forest-fire investigator, wildlife officer, or natural resources 252
officer of the department of natural resources; 253

(c) An employee of a park district under section 511.232 254

or 1545.13 of the Revised Code;	255
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	256 257
(e) A state university law enforcement officer;	258
(f) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	259 260 261 262
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	263 264 265
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	266 267
(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;	268 269 270 271 272 273 274 275 276 277
(j) A gaming agent employed under section 3772.03 of the Revised Code.	278 279
(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless	280 281 282

the person previously has completed satisfactorily or, within	283
the time prescribed by rules adopted by the attorney general	284
pursuant to section 109.74 of the Revised Code, satisfactorily	285
completes a state, county, municipal, or department of natural	286
resources peace officer basic training program for temporary or	287
probationary officers and is awarded a certificate by the	288
director attesting to the satisfactory completion of the	289
program:	290
(a) A peace officer of any county, township, municipal	291
corporation, regional transit authority, or metropolitan housing	292
authority;	293
(b) A natural resources law enforcement staff officer,	294
park officer, forest officer, preserve officer, wildlife	295
officer, or state watercraft officer of the department of	296
natural resources;	297
(c) An employee of a park district under section 511.232	298
or 1545.13 of the Revised Code;	299
(d) An employee of a conservancy district who is	300
designated pursuant to section 6101.75 of the Revised Code;	301
(e) A special police officer employed by the department of	302
mental health and addiction services pursuant to section 5119.08	303
of the Revised Code or the department of developmental	304
disabilities pursuant to section 5123.13 of the Revised Code;	305
(f) An enforcement agent of the department of public	306
safety whom the director of public safety designates under	307
section 5502.14 of the Revised Code;	308
(g) A special police officer employed by a port authority	309
under section 4582.04 or 4582.28 of the Revised Code;	310

(h) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.

(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace officer basic training program, regardless of whether the program is to be completed by peace officers appointed on a permanent or temporary, probationary, or other nonpermanent basis, shall include training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, crisis intervention training, and training on companion animal encounters and companion animal behavior. The requirement to complete training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code does not apply to any person serving as a peace officer on March 27, 1979, and the requirement to complete training in crisis intervention does not apply to any person serving as a peace officer on April 4, 1985. Any person who is serving as a peace officer on April 4, 1985, who terminates that employment after that date, and who subsequently is hired as a

peace officer by the same or another law enforcement agency 342
shall complete training in crisis intervention as prescribed by 343
rules adopted by the attorney general pursuant to section 344
109.742 of the Revised Code. No peace officer shall have 345
employment as a peace officer terminated and then be reinstated 346
with intent to circumvent this section. 347

(4) Division (B) of this section does not apply to any 348
person serving on a permanent basis on March 28, 1985, as a park 349
officer, forest officer, preserve officer, wildlife officer, or 350
state watercraft officer of the department of natural resources 351
or as an employee of a park district under section 511.232 or 352
1545.13 of the Revised Code, to any person serving on a 353
permanent basis on March 6, 1986, as an employee of a 354
conservancy district designated pursuant to section 6101.75 of 355
the Revised Code, to any person serving on a permanent basis on 356
January 10, 1991, as a preserve officer of the department of 357
natural resources, to any person employed on a permanent basis 358
on July 2, 1992, as a special police officer by the department 359
of mental health and addiction services pursuant to section 360
5119.08 of the Revised Code or by the department of 361
developmental disabilities pursuant to section 5123.13 of the 362
Revised Code, to any person serving on a permanent basis on May 363
17, 2000, as a special police officer employed by a port 364
authority under section 4582.04 or 4582.28 of the Revised Code, 365
to any person serving on a permanent basis on March 19, 2003, as 366
a special police officer employed by a municipal corporation at 367
a municipal airport or other municipal air navigation facility 368
described in division (A) (19) of section 109.71 of the Revised 369
Code, to any person serving on a permanent basis on June 19, 370
1978, as a state university law enforcement officer pursuant to 371
section 3345.04 of the Revised Code and who, immediately prior 372

to June 19, 1978, was serving as a special police officer 373
designated under authority of that section, or to any person 374
serving on a permanent basis on September 20, 1984, as a liquor 375
control investigator, known after June 30, 1999, as an 376
enforcement agent of the department of public safety, engaged in 377
the enforcement of Chapters 4301. and 4303. of the Revised Code. 378

(5) Division (B) of this section does not apply to any 379
person who is appointed as a regional transit authority police 380
officer pursuant to division (Y) of section 306.35 of the 381
Revised Code if, on or before July 1, 1996, the person has 382
completed satisfactorily an approved state, county, municipal, 383
or department of natural resources peace officer basic training 384
program and has been awarded a certificate by the executive 385
director of the Ohio peace officer training commission attesting 386
to the person's satisfactory completion of such an approved 387
program and if, on July 1, 1996, the person is performing peace 388
officer functions for a regional transit authority. 389

(C) No person, after September 20, 1984, shall receive an 390
original appointment on a permanent basis as a veterans' home 391
police officer designated under section 5907.02 of the Revised 392
Code unless the person previously has been awarded a certificate 393
by the executive director of the Ohio peace officer training 394
commission attesting to the person's satisfactory completion of 395
an approved police officer basic training program. Every person 396
who is appointed on a temporary basis or for a probationary term 397
or on other than a permanent basis as a veterans' home police 398
officer designated under section 5907.02 of the Revised Code 399
shall forfeit that position unless the person previously has 400
completed satisfactorily or, within one year from the time of 401
appointment, satisfactorily completes an approved police officer 402
basic training program. 403

(D) No bailiff or deputy bailiff of a court of record of this state and no criminal investigator who is employed by the state public defender shall carry a firearm, as defined in section 2923.11 of the Revised Code, while on duty unless the bailiff, deputy bailiff, or criminal investigator has done or received one of the following:

(1) Has been awarded a certificate by the executive director of the Ohio peace officer training commission, which certificate attests to satisfactory completion of an approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and for criminal investigators employed by the state public defender that has been recommended by the Ohio peace officer training commission;

(2) Has successfully completed a firearms training program approved by the Ohio peace officer training commission prior to employment as a bailiff, deputy bailiff, or criminal investigator;

(3) Prior to June 6, 1986, was authorized to carry a firearm by the court that employed the bailiff or deputy bailiff or, in the case of a criminal investigator, by the state public defender and has received training in the use of firearms that the Ohio peace officer training commission determines is equivalent to the training that otherwise is required by division (D) of this section.

(E) (1) Before a person seeking a certificate completes an approved peace officer basic training program, the executive director of the Ohio peace officer training commission shall request the person to disclose, and the person shall disclose, any previous criminal conviction of or plea of guilty of that person to a felony.

(2) Before a person seeking a certificate completes an approved peace officer basic training program, the executive director shall request a criminal history records check on the person. The executive director shall submit the person's fingerprints to the bureau of criminal identification and investigation, which shall submit the fingerprints to the federal bureau of investigation for a national criminal history records check.

Upon receipt of the executive director's request, the bureau of criminal identification and investigation and the federal bureau of investigation shall conduct a criminal history records check on the person and, upon completion of the check, shall provide a copy of the criminal history records check to the executive director. The executive director shall not award any certificate prescribed in this section unless the executive director has received a copy of the criminal history records check on the person to whom the certificate is to be awarded.

(3) The executive director of the commission shall not award a certificate prescribed in this section to a person who has been convicted of or has pleaded guilty to a felony or who fails to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this section, if the person, before completion of an approved peace officer basic training program, failed to disclose any previous criminal conviction of or plea of guilty to a felony as required

under division (E) (1) of this section. 464

(F) (1) Regardless of whether the person has been awarded 465
the certificate or has been classified as a peace officer prior 466
to, on, or after October 16, 1996, the executive director of the 467
Ohio peace officer training commission shall revoke any 468
certificate that has been awarded to a person as prescribed in 469
this section if the person does either of the following: 470

(a) Pleads guilty to a felony committed on or after 471
January 1, 1997; 472

(b) Pleads guilty to a misdemeanor committed on or after 473
January 1, 1997, pursuant to a negotiated plea agreement as 474
provided in division (D) of section 2929.43 of the Revised Code 475
in which the person agrees to surrender the certificate awarded 476
to the person under this section. 477

(2) The executive director of the commission shall suspend 478
any certificate that has been awarded to a person as prescribed 479
in this section if the person is convicted, after trial, of a 480
felony committed on or after January 1, 1997. The executive 481
director shall suspend the certificate pursuant to division (F) 482
(2) of this section pending the outcome of an appeal by the 483
person from that conviction to the highest court to which the 484
appeal is taken or until the expiration of the period in which 485
an appeal is required to be filed. If the person files an appeal 486
that results in that person's acquittal of the felony or 487
conviction of a misdemeanor, or in the dismissal of the felony 488
charge against that person, the executive director shall 489
reinstate the certificate awarded to the person under this 490
section. If the person files an appeal from that person's 491
conviction of the felony and the conviction is upheld by the 492
highest court to which the appeal is taken or if the person does 493

not file a timely appeal, the executive director shall revoke 494
the certificate awarded to the person under this section. 495

(G) (1) If a person is awarded a certificate under this 496
section and the certificate is revoked pursuant to division (E) 497
(4) or (F) of this section, the person shall not be eligible to 498
receive, at any time, a certificate attesting to the person's 499
satisfactory completion of a peace officer basic training 500
program. 501

(2) The revocation or suspension of a certificate under 502
division (E) (4) or (F) of this section shall be in accordance 503
with Chapter 119. of the Revised Code. 504

(H) (1) A person who was employed as a peace officer of a 505
county, township, or municipal corporation of the state on 506
January 1, 1966, and who has completed at least sixteen years of 507
full-time active service as such a peace officer, or equivalent 508
service as determined by the executive director of the Ohio 509
peace officer training commission, may receive an original 510
appointment on a permanent basis and serve as a peace officer of 511
a county, township, or municipal corporation, or as a state 512
university law enforcement officer, without complying with the 513
requirements of division (B) of this section. 514

(2) Any person who held an appointment as a state highway 515
trooper on January 1, 1966, may receive an original appointment 516
on a permanent basis and serve as a peace officer of a county, 517
township, or municipal corporation, or as a state university law 518
enforcement officer, without complying with the requirements of 519
division (B) of this section. 520

(I) No person who is appointed as a peace officer of a 521
county, township, or municipal corporation on or after April 9, 522

1985, shall serve as a peace officer of that county, township, 523
or municipal corporation unless the person has received training 524
in the handling of missing children and child abuse and neglect 525
cases, including, beginning three years after the effective date 526
of this amendment, training about cases involving children 527
adjudicated to be a child in need of protective services, from 528
an approved state, county, township, or municipal police officer 529
basic training program or receives the training within the time 530
prescribed by rules adopted by the attorney general pursuant to 531
section 109.741 of the Revised Code. 532

(J) No part of any approved state, county, or municipal 533
basic training program for bailiffs and deputy bailiffs of 534
courts of record and no part of any approved state, county, or 535
municipal basic training program for criminal investigators 536
employed by the state public defender shall be used as credit 537
toward the completion by a peace officer of any part of the 538
approved state, county, or municipal peace officer basic 539
training program that the peace officer is required by this 540
section to complete satisfactorily. 541

(K) This section does not apply to any member of the 542
police department of a municipal corporation in an adjoining 543
state serving in this state under a contract pursuant to section 544
737.04 of the Revised Code. 545

Sec. 109.79. (A) The Ohio peace officer training 546
commission shall establish and conduct a training school for law 547
enforcement officers of any political subdivision of the state 548
or of the state public defender's office. The school shall be 549
known as the Ohio peace officer training academy. No bailiff or 550
deputy bailiff of a court of record of this state and no 551
criminal investigator employed by the state public defender 552

shall be permitted to attend the academy for training unless the 553
employing court of the bailiff or deputy bailiff or the state 554
public defender, whichever is applicable, has authorized the 555
bailiff, deputy bailiff, or investigator to attend the academy. 556

The Ohio peace officer training commission shall develop 557
the training program, which shall include courses in both the 558
civil and criminal functions of law enforcement officers, a 559
course in crisis intervention with six or more hours of 560
training, training in the handling of missing children and child 561
abuse and neglect cases, including, beginning three years after 562
the effective date of this amendment, training about cases 563
involving children adjudicated to be a child in need of 564
protective services, and training on companion animal encounters 565
and companion animal behavior, and shall establish rules 566
governing qualifications for admission to the academy. The 567
commission may require competitive examinations to determine 568
fitness of prospective trainees, so long as the examinations or 569
other criteria for admission to the academy are consistent with 570
the provisions of Chapter 124. of the Revised Code. 571

The Ohio peace officer training commission shall determine 572
tuition costs sufficient in the aggregate to pay the costs of 573
operating the academy. Tuition paid by a political subdivision 574
of the state or by the state public defender's office shall be 575
deposited into the state treasury to the credit of the peace 576
officer training academy fee fund, which is hereby established. 577
The attorney general shall use money in the fund to pay costs 578
associated with operation of the academy. The costs of acquiring 579
and equipping the academy shall be paid from appropriations made 580
by the general assembly to the Ohio peace officer training 581
commission for that purpose, from gifts or grants received for 582
that purpose, or from fees for goods related to the academy. 583

The Ohio peace officer training commission shall create a gaming-related curriculum for gaming agents. The Ohio peace officer training commission shall use money distributed to the Ohio peace officer training academy from the Ohio law enforcement training fund to first support the academy's training programs for gaming agents and gaming-related curriculum. The Ohio peace officer training commission may utilize existing training programs in other states that specialize in training gaming agents.

The law enforcement officers, during the period of their training, shall receive compensation as determined by the political subdivision that sponsors them or, if the officer is a criminal investigator employed by the state public defender, as determined by the state public defender. The political subdivision may pay the tuition costs of the law enforcement officers they sponsor and the state public defender may pay the tuition costs of criminal investigators of that office who attend the academy.

If trainee vacancies exist, the academy may train and issue certificates of satisfactory completion to peace officers who are employed by a campus police department pursuant to section 1713.50 of the Revised Code, by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code, or by a railroad company, who are amusement park police officers appointed and commissioned by a judge of the appropriate municipal court or county court pursuant to section 4973.17 of the Revised Code, or who are bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions, or hospital police officers appointed and commissioned by the secretary of state pursuant to sections 4973.17 to

4973.22 of the Revised Code, provided that no such officer shall 615
be trained at the academy unless the officer meets the 616
qualifications established for admission to the academy and the 617
qualified nonprofit corporation police department; bank, savings 618
and loan association, savings bank, credit union, or association 619
of banks, savings and loan associations, savings banks, or 620
credit unions; railroad company; hospital; or amusement park or 621
the private college or university that established the campus 622
police department prepays the entire cost of the training. A 623
qualified nonprofit corporation police department; bank, savings 624
and loan association, savings bank, credit union, or association 625
of banks, savings and loan associations, savings banks, or 626
credit unions; railroad company; hospital; or amusement park or 627
a private college or university that has established a campus 628
police department is not entitled to reimbursement from the 629
state for any amount paid for the cost of training the bank, 630
savings and loan association, savings bank, credit union, or 631
association of banks, savings and loan associations, savings 632
banks, or credit unions peace officers; the railroad company's 633
peace officers; or the peace officers of the qualified nonprofit 634
corporation police department, campus police department, 635
hospital, or amusement park. 636

The academy shall permit investigators employed by the 637
state medical board to take selected courses that the board 638
determines are consistent with its responsibilities for initial 639
and continuing training of investigators as required under 640
sections 4730.26 and 4731.05 of the Revised Code. The board 641
shall pay the entire cost of training that investigators receive 642
at the academy. 643

The academy shall permit tactical medical professionals to 644
attend training courses at the academy that are designed to 645

qualify the professionals to carry firearms while on duty under 646
section 109.771 of the Revised Code and that provide training 647
comparable to training mandated under the rules required by 648
division (A) of section 109.748 of the Revised Code. The 649
executive director of the Ohio peace officer training commission 650
may certify tactical medical professionals who satisfactorily 651
complete the training courses. The law enforcement agency served 652
by a tactical medical professional who attends the academy may 653
pay the tuition costs of the professional. 654

The academy shall permit county correctional officers to 655
attend training courses at the academy that are designed to 656
qualify the county correctional officers to carry firearms while 657
on duty under section 109.772 of the Revised Code and that 658
provide training mandated under the rules required by section 659
109.773 of the Revised Code. The executive director of the Ohio 660
peace officer training commission may certify county 661
correctional officers who satisfactorily complete the training 662
courses. The county jail, county workhouse, minimum security 663
jail, joint city and county workhouse, municipal-county 664
correctional center, multicounty-municipal correctional center, 665
municipal-county jail or workhouse, or multicounty-municipal 666
jail or workhouse served by the county correctional officer who 667
attends the academy may pay the tuition costs of the county 668
correctional officer. 669

(B) As used in this section: 670

(1) "Law enforcement officers" include any undercover drug 671
agent, any bailiff or deputy bailiff of a court of record, and 672
any criminal investigator who is employed by the state public 673
defender. 674

(2) "Undercover drug agent" means any person who: 675

(a) Is employed by a county, township, or municipal corporation for the purposes set forth in division (B) (2) (b) of this section but who is not an employee of a county sheriff's department, of a township constable, or of the police department of a municipal corporation or township;

(b) In the course of the person's employment by a county, township, or municipal corporation, investigates and gathers information pertaining to persons who are suspected of violating Chapter 2925. or 3719. of the Revised Code, and generally does not wear a uniform in the performance of the person's duties.

(3) "Crisis intervention training" has the same meaning as in section 109.71 of the Revised Code.

(4) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.

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

Sec. 121.37. (A) (1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the director of education and workforce, the executive director of the opportunities for Ohioans with disabilities agency, the medicaid director, and the directors of youth services, job and family services, mental health and addiction services, health, developmental disabilities, aging, rehabilitation and correction, children and youth, and budget and management. The chairperson of the council shall be the governor or the governor's designee and shall establish procedures for the council's internal control and management.

The purpose of the cabinet council is to help families seeking government services. This section shall not be

interpreted or applied to usurp the role of parents, but solely 705
to streamline and coordinate existing government services for 706
families seeking assistance for their children. 707

(2) In seeking to fulfill its purpose, the council may do 708
any of the following: 709

(a) Advise and make recommendations to the governor and 710
general assembly regarding the provision of services to 711
children; 712

(b) Advise and assess local governments on the 713
coordination of service delivery to children; 714

(c) Hold meetings at such times and places as may be 715
prescribed by the council's procedures and maintain records of 716
the meetings, except that records identifying individual 717
children are confidential and shall be disclosed only as 718
provided by law; 719

(d) Develop programs and projects, including pilot 720
projects, to encourage coordinated efforts at the state and 721
local level to improve the state's social service delivery 722
system; 723

(e) Enter into contracts with and administer grants to 724
county family and children first councils, as well as other 725
county or multicounty organizations to plan and coordinate 726
service delivery between state agencies and local service 727
providers for families and children; 728

(f) Enter into contracts with and apply for grants from 729
federal agencies or private organizations; 730

(g) Enter into interagency agreements to encourage 731
coordinated efforts at the state and local level to improve the 732

state's social service delivery system. The agreements may 733
include provisions regarding the receipt, transfer, and 734
expenditure of funds; 735

(h) Identify public and private funding sources for 736
services provided to alleged or adjudicated unruly children and 737
children who are at risk of being alleged or adjudicated unruly 738
children, including regulations governing access to and use of 739
the services; 740

(i) Collect information provided by local communities 741
regarding successful programs for prevention, intervention, and 742
treatment of unruly behavior, including evaluations of the 743
programs; 744

(j) Identify and disseminate publications regarding 745
alleged or adjudicated unruly children and children who are at 746
risk of being alleged or adjudicated unruly children and 747
regarding programs serving those types of children; 748

(k) Maintain an inventory of strategic planning 749
facilitators for use by government or nonprofit entities that 750
serve alleged or adjudicated unruly children or children who are 751
at risk of being alleged or adjudicated unruly children. 752

(3) The cabinet council shall provide for the following: 753

(a) Reviews of service and treatment plans for children 754
for which such reviews are requested; 755

(b) Assistance as the council determines to be necessary 756
to meet the needs of children referred by county family and 757
children first councils; 758

(c) Monitoring and supervision of a statewide, 759
comprehensive, coordinated, multi-disciplinary, interagency 760

system for infants and toddlers with developmental disabilities 761
or delays and their families, as established pursuant to federal 762
grants received and administered by the department of 763
developmental disabilities for early intervention services under 764
the "Individuals with Disabilities Education Act of 2004," 118 765
Stat. 2744, 20 U.S.C.A. 1400, as amended; 766

(d) Establishing and maintaining the Ohio automated 767
service coordination system pursuant to section 121.376 of the 768
Revised Code. 769

(4) The cabinet council shall develop and implement the 770
following: 771

(a) An interagency process to select the indicators that 772
will be used to measure progress toward increasing child well- 773
being in the state and to update the indicators on an annual 774
basis. 775

(b) An interagency system to offer guidance and monitor 776
progress toward increasing child well-being in the state and in 777
each county; 778

(c) An annual plan that identifies state-level agency 779
efforts taken to ensure progress towards increasing child well- 780
being in the state; 781

(d) A state appeals process to resolve disputes among the 782
members of a county council, established under division (B) of 783
this section, concerning whether reasonable responsibilities are 784
being shared. The appeals process may be accessed only by a 785
majority vote of the council members who are required to serve 786
on the council. Upon appeal, the cabinet council may order that 787
state funds for services to children and families be redirected 788
to a county's board of county commissioners. 789

(5) On an annual basis, the cabinet council shall submit 790
to the governor and the general assembly a report on the status 791
of efforts to increase child well-being in the state. This 792
report shall be made available to any other person on request. 793

(6) The cabinet council state office may adopt rules 794
governing the responsibilities of county family and children 795
first councils established in division (B) (3) of this section. 796

(B) (1) Each board of county commissioners shall establish 797
a county family and children first council. The board may invite 798
any local public or private agency or group that funds, 799
advocates, or provides services to children and families to have 800
a representative become a permanent or temporary member of its 801
county council. Each county council must include the following 802
individuals: 803

(a) At least three individuals who are not employed by an 804
agency represented on the council and whose families are or have 805
received services from an agency represented on the council or 806
another county's council. Where possible, the number of members 807
representing families shall be equal to twenty per cent of the 808
council's membership. 809

(b) The director of the board of alcohol, drug addiction, 810
and mental health services that serves the county, or, in the 811
case of a county that has a board of alcohol and drug addiction 812
services and a community mental health board, the directors of 813
both boards. If a board of alcohol, drug addiction, and mental 814
health services covers more than one county, the director may 815
designate a person to participate on the county's council. 816

(c) The health commissioner, or the commissioner's 817
designee, of the board of health of each city and general health 818

district in the county. If the county has two or more health 819
districts, the health commissioner membership may be limited to 820
the commissioners of the two districts with the largest 821
populations. 822

(d) The director of the county department of job and 823
family services; 824

(e) The executive director of the public children services 825
agency; 826

(f) The superintendent of the county board of 827
developmental disabilities or, if the superintendent serves as 828
superintendent of more than one county board of developmental 829
disabilities, the superintendent's designee; 830

(g) The superintendent of the city, exempted village, or 831
local school district with the largest number of pupils residing 832
in the county, as determined by the department of education and 833
workforce, which shall notify each board of county commissioners 834
of its determination at least biennially; 835

(h) A school superintendent representing all other school 836
districts with territory in the county, as designated at a 837
biennial meeting of the superintendents of those districts; 838

(i) A representative of the municipal corporation with the 839
largest population in the county; 840

(j) The president of the board of county commissioners or 841
an individual designated by the board; 842

(k) A representative of the department of youth services 843
or an individual designated by the department; 844

(l) A representative of the county's head start agencies, 845
as defined in section 3301.32 of the Revised Code; 846

(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";

(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.

Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.

The county's juvenile court judge senior in service or another judge of the juvenile court designated by the administrative judge or, where there is no administrative judge, by the judge senior in service shall serve as the judicial advisor to the county family and children first council. The judge may advise the county council on the court's utilization of resources, services, or programs provided by the entities represented by the members of the county council and how those resources, services, or programs assist the court in its administration of justice. Service of a judge as a judicial advisor pursuant to this section is a judicial function.

(2) The purpose of the county council is to streamline and coordinate existing government services for families seeking services for their children. In seeking to fulfill its purpose, a county council shall provide for the following:

(a) Referrals to the cabinet council of those children for whom the county council cannot provide adequate services;

(b) Development and implementation of a process that 876
annually evaluates and prioritizes services, fills service gaps 877
where possible, and invents new approaches to achieve better 878
results for families and children; 879

(c) Participation in the development of a countywide, 880
comprehensive, coordinated, multi-disciplinary, interagency 881
system for infants and toddlers with developmental disabilities 882
or delays and their families, as established pursuant to federal 883
grants received and administered by the department of 884
developmental disabilities for early intervention services under 885
the "Individuals with Disabilities Education Act of 2004"; 886

(d) Maintenance of an accountability system to monitor the 887
county council's progress in achieving results for families and 888
children; 889

(e) Establishment of a mechanism to ensure ongoing input 890
from a broad representation of families who are receiving 891
services within the county system. 892

(3) A county council shall develop and implement the 893
following: 894

(a) An interagency process to establish local indicators 895
and monitor the county's progress toward increasing child well- 896
being in the county; 897

(b) An interagency process to identify local priorities to 898
increase child well-being. 899

(c) An annual plan that identifies the county's 900
interagency efforts to increase child well-being in the county. 901

On an annual basis, the county council shall submit a 902
report on the status of efforts by the county to increase child 903

well-being in the county to the county's board of county 904
commissioners and the cabinet council. This report shall be made 905
available to any other person on request. 906

(4) (a) Except as provided in division (B) (4) (b) of this 907
section, a county council shall comply with the policies, 908
procedures, and activities prescribed by the rules or 909
interagency agreements of a state department participating on 910
the cabinet council whenever the county council performs a 911
function subject to those rules or agreements. 912

(b) On application of a county council, the cabinet 913
council may grant an exemption from any rules or interagency 914
agreements of a state department participating on the council if 915
an exemption is necessary for the council to implement an 916
alternative program or approach for service delivery to families 917
and children. The application shall describe the proposed 918
program or approach and specify the rules or interagency 919
agreements from which an exemption is necessary. The cabinet 920
council shall approve or disapprove the application in 921
accordance with standards and procedures it shall adopt. If an 922
application is approved, the exemption is effective only while 923
the program or approach is being implemented, including a 924
reasonable period during which the program or approach is being 925
evaluated for effectiveness. 926

(5) (a) Each county council shall designate an 927
administrative agent for the council from among the following 928
public entities: the board of alcohol, drug addiction, and 929
mental health services, including a board of alcohol and drug 930
addiction or a community mental health board if the county is 931
served by separate boards; the board of county commissioners; 932
any board of health of the county's city and general health 933

districts; the county department of job and family services; the 934
county agency responsible for the administration of children 935
services pursuant to section 5153.15 of the Revised Code; the 936
county board of developmental disabilities; any of the county's 937
boards of education or governing boards of educational service 938
centers; or the county's juvenile court. Any of the foregoing 939
public entities, other than the board of county commissioners, 940
may decline to serve as the council's administrative agent. 941

A county council's administrative agent shall serve as the 942
council's appointing authority for any employees of the council. 943
The council shall file an annual budget with its administrative 944
agent, with copies filed with the county auditor and with the 945
board of county commissioners, unless the board is serving as 946
the council's administrative agent. The council's administrative 947
agent shall ensure that all expenditures are handled in 948
accordance with policies, procedures, and activities prescribed 949
by state departments in rules, grant agreements, or interagency 950
agreements that are applicable to the council's functions. 951

The administrative agent of a county council shall send 952
notice of a member's absence if a member listed in division (B) 953
(1) of this section has been absent from either three 954
consecutive meetings of the county council or a county council 955
subcommittee, or from one-quarter of such meetings in a calendar 956
year, whichever is less. The notice shall be sent to the board 957
of county commissioners that establishes the county council and, 958
for the members listed in divisions (B) (1) (b), (c), (e), and (1) 959
of this section, to the governing board overseeing the 960
respective entity; for the member listed in division (B) (1) (f) 961
of this section, to the county board of developmental 962
disabilities that employs the superintendent; for a member 963
listed in division (B) (1) (g) or (h) of this section, to the 964

school board that employs the superintendent; for the member 965
listed in division (B) (1) (i) of this section, to the mayor of 966
the municipal corporation; for the member listed in division (B) 967
(1) (k) of this section, to the director of youth services; and 968
for the member listed in division (B) (1) (n) of this section, to 969
that member's board of trustees. 970

The administrative agent for a county council may do any 971
of the following on behalf of the council: 972

(i) Enter into agreements or administer contracts with 973
public or private entities to fulfill specific council business. 974
Such agreements and contracts are exempt from the competitive 975
bidding requirements of section 307.86 of the Revised Code if 976
they have been approved by the county council and they are for 977
the purchase of services for families and children. The approval 978
of the county council is not required to exempt agreements or 979
contracts entered into under section 5139.34, 5139.41, or 980
5139.43 of the Revised Code from the competitive bidding 981
requirements of section 307.86 of the Revised Code. 982

(ii) As determined by the council, provide financial 983
stipends, reimbursements, or both, to family representatives for 984
expenses related to council activity; 985

(iii) Receive by gift, grant, devise, or bequest any 986
moneys, lands, or other property for the purposes for which the 987
council is established. The agent shall hold, apply, and dispose 988
of the moneys, lands, or other property according to the terms 989
of the gift, grant, devise, or bequest. Any interest or earnings 990
shall be treated in the same manner and are subject to the same 991
terms as the gift, grant, devise, or bequest from which it 992
accrues. 993

(b) (i) If the county council designates the board of 994
county commissioners as its administrative agent, the board may, 995
by resolution, delegate any of its powers and duties as 996
administrative agent to an executive committee the board 997
establishes from the membership of the county council. The board 998
shall name to the executive committee at least the individuals 999
described in divisions (B) (1) (b) to (h) of this section and may 1000
appoint the president of the board or another individual as the 1001
chair of the executive committee. The executive committee must 1002
include at least one family county council representative who 1003
does not have a family member employed by an agency represented 1004
on the council. 1005

(ii) The executive committee may, with the approval of the 1006
board, hire an executive director to assist the county council 1007
in administering its powers and duties. The executive director 1008
shall serve in the unclassified civil service at the pleasure of 1009
the executive committee. The executive director may, with the 1010
approval of the executive committee, hire other employees as 1011
necessary to properly conduct the county council's business. 1012

(iii) The board may require the executive committee to 1013
submit an annual budget to the board for approval and may amend 1014
or repeal the resolution that delegated to the executive 1015
committee its authority as the county council's administrative 1016
agent. 1017

(6) Two or more county councils may enter into an 1018
agreement to administer their county councils jointly by 1019
creating a regional family and children first council. A 1020
regional council possesses the same duties and authority 1021
possessed by a county council, except that the duties and 1022
authority apply regionally rather than to individual counties. 1023

Prior to entering into an agreement to create a regional 1024
council, the members of each county council to be part of the 1025
regional council shall meet to determine whether all or part of 1026
the members of each county council will serve as members of the 1027
regional council. 1028

(7) A board of county commissioners may approve a 1029
resolution by a majority vote of the board's members that 1030
requires the county council to submit a statement to the board 1031
each time the council proposes to enter into an agreement, adopt 1032
a plan, or make a decision, other than a decision pursuant to 1033
section 121.38 of the Revised Code, that requires the 1034
expenditure of funds for two or more families. The statement 1035
shall describe the proposed agreement, plan, or decision. 1036

Not later than fifteen days after the board receives the 1037
statement, it shall, by resolution approved by a majority of its 1038
members, approve or disapprove the agreement, plan, or decision. 1039
Failure of the board to pass a resolution during that time 1040
period shall be considered approval of the agreement, plan, or 1041
decision. 1042

An agreement, plan, or decision for which a statement is 1043
required to be submitted to the board shall be implemented only 1044
if it is approved by the board. 1045

(C) Each county shall develop a county service 1046
coordination mechanism. The county service coordination 1047
mechanism shall serve as the guiding document for coordination 1048
of services in the county. For children who also receive 1049
services under the early intervention program, the main provider 1050
of service coordination shall be an early intervention service 1051
coordinator to ensure compliance with section 5123.02 of the 1052
Revised Code. All family service coordination plans shall be 1053

developed in accordance with the county service coordination 1054
mechanism. The mechanism shall be developed and approved with 1055
the participation of the county entities representing child 1056
welfare; developmental disabilities; alcohol, drug addiction, 1057
and mental health services; health; juvenile judges; education; 1058
the county family and children first council; and the county 1059
early intervention collaborative established pursuant to the 1060
federal early intervention program operated under the 1061
"Individuals with Disabilities Education Act of 2004." The 1062
county shall establish an implementation schedule for the 1063
mechanism. The cabinet council may monitor the implementation 1064
and administration of each county's service coordination 1065
mechanism. 1066

Each mechanism shall include all of the following: 1067

(1) A procedure for an agency, including a juvenile court, 1068
or a family voluntarily seeking service coordination, to refer 1069
the child and family to the county council for service 1070
coordination in accordance with the mechanism; 1071

(2) A procedure ensuring that a family and all appropriate 1072
staff from involved agencies, including a representative from 1073
the appropriate school district, are notified of and invited to 1074
participate in all family service coordination plan meetings; 1075

(3) A procedure that permits a family to initiate a 1076
meeting to develop or review the family's service coordination 1077
plan and allows the family to invite a family advocate, mentor, 1078
or support person of the family's choice to participate in any 1079
such meeting; 1080

(4) A procedure for ensuring that a family service 1081
coordination plan meeting is conducted for each child who 1082

receives service coordination under the mechanism and for whom 1083
an emergency out-of-home placement has been made or for whom a 1084
nonemergency out-of-home placement is being considered. The 1085
meeting shall be conducted within ten days of an emergency out- 1086
of-home placement. The meeting shall be conducted before a 1087
nonemergency out-of-home placement. The family service 1088
coordination plan shall outline how the county council members 1089
will jointly pay for services, where applicable, and provide 1090
services in the least restrictive environment. 1091

(5) A procedure for monitoring the progress and tracking 1092
the outcomes of each service coordination plan requested in the 1093
county including monitoring and tracking children in out-of-home 1094
placements to assure continued progress, appropriateness of 1095
placement, and continuity of care after discharge from placement 1096
with appropriate arrangements for housing, treatment, and 1097
education; 1098

(6) A procedure for protecting the confidentiality of all 1099
personal family information disclosed during service 1100
coordination meetings or contained in the comprehensive family 1101
service coordination plan; 1102

(7) A procedure for assessing the needs and strengths of 1103
any child or family that has been referred to the council for 1104
service coordination, including a child whose parent or 1105
custodian is voluntarily seeking services, and for ensuring that 1106
parents and custodians are afforded the opportunity to 1107
participate; 1108

(8) A procedure for development of a family service 1109
coordination plan described in division (D) of this section; 1110

(9) A local dispute resolution process to serve as the 1111

process that must be used first to resolve disputes among the 1112
agencies represented on the county council concerning the 1113
provision of services to children, including children who are 1114
abused, neglected, ~~dependent~~ or adjudicated as a child in need of 1115
protective services, unruly, alleged unruly, or delinquent 1116
children and under the jurisdiction of the juvenile court and 1117
children whose parents or custodians are voluntarily seeking 1118
services. The local dispute resolution process shall comply with 1119
sections 121.38, 121.381, and 121.382 of the Revised Code. The 1120
local dispute resolution process shall be used to resolve 1121
disputes between a child's parents or custodians and the county 1122
council regarding service coordination. The county council shall 1123
inform the parents or custodians of their right to use the 1124
dispute resolution process. Parents or custodians shall use 1125
existing local agency grievance procedures to address disputes 1126
not involving service coordination. The dispute resolution 1127
process is in addition to and does not replace other rights or 1128
procedures that parents or custodians may have under other 1129
sections of the Revised Code. 1130

The cabinet council shall adopt rules in accordance with 1131
Chapter 119. of the Revised Code establishing an administrative 1132
review process to address problems that arise concerning the 1133
operation of a local dispute resolution process. 1134

Nothing in division (C) (4) of this section shall be 1135
interpreted as overriding or affecting decisions of a juvenile 1136
court or public children services agency regarding an out-of- 1137
home placement, long-term placement, or emergency out-of-home 1138
placement. 1139

(D) Each county shall develop a family service 1140
coordination plan that does all of the following: 1141

(1) Designates service responsibilities among the various 1142
state and local agencies that provide services to children and 1143
their families, including children who are abused, neglected, 1144
~~dependent~~ or alleged or adjudicated a child in need of protective 1145
services, unruly, or delinquent children and under the 1146
jurisdiction of the juvenile court and children whose parents or 1147
custodians are voluntarily seeking services; 1148

(2) Designates an individual, approved by the family, to 1149
track the progress of the family service coordination plan, 1150
schedule reviews as necessary, and facilitate the family service 1151
coordination plan meeting process; 1152

(3) Ensures that assistance and services to be provided 1153
are responsive to the strengths and needs of the family, as well 1154
as the family's culture, race, and ethnic group, by allowing the 1155
family to offer information and suggestions and participate in 1156
decisions. Identified assistance and services shall be provided 1157
in the least restrictive environment possible. 1158

(4) Includes a process for dealing with a child who is 1159
alleged to be an unruly child. The process shall include methods 1160
to divert the child from the juvenile court system; 1161

(5) Includes timelines for completion of goals specified 1162
in the plan with regular reviews scheduled to monitor progress 1163
toward those goals; 1164

(6) Includes a plan for dealing with short-term crisis 1165
situations and safety concerns. 1166

(E) (1) The process provided for under division (D) (4) of 1167
this section may include, but is not limited to, the following: 1168

(a) Designation of the person or agency to conduct the 1169
assessment of the child and the child's family as described in 1170

division (C) (7) of this section and designation of the	1171
instrument or instruments to be used to conduct the assessment;	1172
(b) An emphasis on the personal responsibilities of the	1173
child and the parental responsibilities of the parents,	1174
guardian, or custodian of the child;	1175
(c) Involvement of local law enforcement agencies and	1176
officials.	1177
(2) The method to divert a child from the juvenile court	1178
system that must be included in the service coordination process	1179
may include, but is not limited to, the following:	1180
(a) The preparation of a complaint under section 2151.27	1181
of the Revised Code alleging that the child is an unruly child	1182
and notifying the child and the parents, guardian, or custodian	1183
that the complaint has been prepared to encourage the child and	1184
the parents, guardian, or custodian to comply with other methods	1185
to divert the child from the juvenile court system;	1186
(b) Conducting a meeting with the child, the parents,	1187
guardian, or custodian, and other interested parties to	1188
determine the appropriate methods to divert the child from the	1189
juvenile court system;	1190
(c) A method to provide to the child and the child's	1191
family a short-term respite from a short-term crisis situation	1192
involving a confrontation between the child and the parents,	1193
guardian, or custodian;	1194
(d) A program to provide a mentor to the child or the	1195
parents, guardian, or custodian;	1196
(e) A program to provide parenting education to the	1197
parents, guardian, or custodian;	1198

(f) An alternative school program for children who are 1199
truant from school, repeatedly disruptive in school, or 1200
suspended or expelled from school; 1201

(g) Other appropriate measures, including, but not limited 1202
to, any alternative methods to divert a child from the juvenile 1203
court system that are identified by the Ohio family and children 1204
first cabinet council. 1205

(F) Each county may review and revise the service 1206
coordination process described in division (D) of this section 1207
based on the availability of funds under Title IV-A of the 1208
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 1209
as amended, or to the extent resources are available from any 1210
other federal, state, or local funds. 1211

(G) As used in this section, "early intervention service 1212
coordinator" means a person who holds an early intervention 1213
service coordinator credential or an early intervention service 1214
coordination supervisor credential issued by the department of 1215
developmental disabilities and who assists and enables an infant 1216
or toddler with a developmental delay or disability and the 1217
child's family to receive the services and rights, including 1218
procedural safeguards, required under part C of the "Individuals 1219
with Disabilities Education Act of 2004," 20 U.S.C. 1400, as 1220
amended. 1221

Sec. 121.38. (A) An agency represented on a county family 1222
and children first council that disagrees with the council's 1223
decision concerning the services or funding for services a child 1224
is to receive from agencies represented on the council may 1225
initiate the local dispute resolution process established in the 1226
county service coordination mechanism applicable to the council. 1227
On completion of the process, the decision maker designated in 1228

the mechanism shall issue a written determination that directs 1229
one or more agencies represented on the council to provide 1230
services or funding for services to the child. The determination 1231
shall include a plan of care governing the manner in which the 1232
services or funding are to be provided. The decision maker shall 1233
base the plan of care on the family service coordination plan 1234
developed as part of the county's service coordination mechanism 1235
and on evidence presented during the local dispute resolution 1236
process. The decision maker may require an agency to provide 1237
services or funding only if the child's condition or needs 1238
qualify the child for services under the laws governing the 1239
agency. 1240

(B) An agency subject to a determination issued pursuant 1241
to a local dispute resolution process shall immediately comply 1242
with the determination, unless the agency objects to the 1243
determination by doing one of the following not later than seven 1244
days after the date the written determination is issued: 1245

(1) If the child has been alleged or adjudicated to be ~~an~~ 1246
~~abused, neglected, dependent~~ a child in need of protective 1247
services, an unruly, or delinquent child, or a juvenile traffic 1248
offender, filing in the juvenile court of the county having 1249
jurisdiction over the child's case a motion requesting that the 1250
court hold a hearing to determine which agencies are to provide 1251
services or funding for services to the child. 1252

(2) If the child is not a child described in division (B) 1253
(1) of this section, filing in the juvenile court of the county 1254
served by the county council a complaint objecting to the 1255
determination. 1256

The court shall hold a hearing as soon as possible, but 1257
not later than ninety days after the motion or complaint is 1258

filed. At least five days before the date on which the court 1259
hearing is to be held, the court shall send each agency subject 1260
to the determination written notice by first class mail of the 1261
date, time, place, and purpose of the court hearing. In the case 1262
of a motion filed under division (B)(1) of this section, the 1263
court may conduct the hearing as part of the adjudicatory or 1264
dispositional hearing concerning the child, if appropriate, and 1265
shall provide notice as required for those hearings. 1266

Except in cases in which the hearing is conducted as part 1267
of the adjudicatory or dispositional hearing, a hearing held 1268
pursuant to this division shall be limited to a determination of 1269
which agencies are to provide services or funding for services 1270
to the child. At the conclusion of the hearing, the court shall 1271
issue an order directing one or more agencies represented on the 1272
county council to provide services or funding for services to 1273
the child. The order shall include a plan of care governing the 1274
manner in which the services or funding are to be provided. The 1275
court shall base the plan of care on the family service 1276
coordination plan developed as part of the county's service 1277
coordination plan and on evidence presented during the hearing. 1278
An agency required by the order to provide services or funding 1279
shall be a party to any juvenile court proceeding concerning the 1280
child. The court may require an agency to provide services or 1281
funding for a child only if the child's condition or needs 1282
qualify the child for services under the laws governing the 1283
agency. 1284

(C) While the local dispute resolution process or court 1285
proceedings pursuant to this section are pending, each agency 1286
shall provide services and funding as required by the decision 1287
made by the county council before dispute resolution was 1288
initiated. If an agency that provides services or funds during 1289

the local dispute resolution process or court proceedings is 1290
determined through the process or proceedings not to be 1291
responsible for providing them, it shall be reimbursed for the 1292
costs of providing the services or funding by the agencies 1293
determined to be responsible for providing them. 1294

Sec. 149.435. (A) As used in this section: 1295

(1) ~~"Abused child" has the same meaning as in section~~ 1296
~~2151.031 of the Revised Code.~~ 1297

~~(2)~~ "Confidential law enforcement investigatory record" 1298
has the same meaning as in section 149.43 of the Revised Code. 1299

~~(3)~~ (2) "Law enforcement agency" means a municipal or 1300
township police department, the office of a sheriff, the state 1301
highway patrol, federal law enforcement, a county prosecuting 1302
attorney, the office of the United States attorney, or a state 1303
or local governmental body that enforces criminal laws and that 1304
has employees who have a statutory power of arrest. 1305

~~(4)~~ (3) "Prosecutor" has the same meaning as in section 1306
2935.01 of the Revised Code. 1307

~~(5)~~ (4) "Routine factual report" means a police blotter, 1308
arrest log, incident report, or other record of events 1309
maintained in paper, electronic, or other form by a law 1310
enforcement agency, other than a confidential law enforcement 1311
investigatory record. 1312

(B) (1) Except as provided in division (C) of this section, 1313
a law enforcement agency or employee of a law enforcement agency 1314
shall not disclose a name or other information contained in a 1315
routine factual report that is highly likely to identify an 1316
alleged delinquent child or arrestee who is also an abused child 1317
and who is under eighteen years of age at the time the report is 1318

created. If the agency or employee does not know whether the 1319
alleged delinquent child or arrestee is an abused child, the 1320
agency or employee shall attempt to determine whether or not the 1321
alleged delinquent child or arrestee is an abused child and 1322
shall not disclose the name or other information before making 1323
the determination. 1324

(2) No person to whom information described in division 1325
(B) (1) of this section is disclosed, and no employer of that 1326
person, shall further disclose that information except as 1327
provided in division (C) of this section. 1328

(C) This section does not prohibit the disclosure of 1329
information described in division (B) of this section to any of 1330
the following: 1331

(1) An employee of a law enforcement agency or a 1332
prosecutor for the purpose of investigating or prosecuting a 1333
crime or delinquent act; 1334

(2) An employee of the department of youth services, a 1335
probation officer, a juvenile court judge, or an employee of a 1336
public children services agency or a county department of job 1337
and family services who is supervising the alleged delinquent 1338
child or arrestee who is also an abused child and who is under 1339
eighteen years of age; 1340

(3) An employee of a law enforcement agency for use in the 1341
employee's defense of a civil or administrative action arising 1342
out of the employee's involvement in the case that gave rise to 1343
the civil or administrative action; 1344

(4) An employee of the attorney general's office 1345
responsible for administering awards of reparations under 1346
section 2743.191 of the Revised Code; 1347

(5) A parent, guardian, or custodian of the alleged 1348
delinquent child or arrestee who is also an abused child and who 1349
is under eighteen years of age or an attorney for such a parent, 1350
guardian, or custodian; 1351

(6) Any other person pursuant to a court order. 1352

Sec. 307.86. Anything to be purchased, leased, leased with 1353
an option or agreement to purchase, or constructed, including, 1354
but not limited to, any product, structure, construction, 1355
reconstruction, improvement, maintenance, repair, or service, 1356
except the services of an accountant, architect, attorney at 1357
law, physician, professional engineer, construction project 1358
manager, consultant, surveyor, or appraiser, by or on behalf of 1359
the county or contracting authority, as defined in section 1360
307.92 of the Revised Code, at a cost in excess of the amount 1361
specified in section 9.17 of the Revised Code, except as 1362
otherwise provided in division (D) of section 713.23 and in 1363
sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 1364
307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 1365
5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 1366
obtained through competitive bidding. No purchase, lease, 1367
project, or other transaction subject to this section shall be 1368
divided into component parts, separate projects, or separate 1369
items of work in order to avoid the requirements of this 1370
section. However, competitive bidding is not required when any 1371
of the following applies: 1372

(A) The board of county commissioners, by a unanimous vote 1373
of its members, makes a determination that a real and present 1374
emergency exists, and that determination and the reasons for it 1375
are entered in the minutes of the proceedings of the board, when 1376
any of the following applies: 1377

(1) The estimated cost is less than one hundred twenty- 1378
five thousand dollars. 1379

(2) There is actual physical disaster to structures, radio 1380
communications equipment, or computers. 1381

(3) The product to be purchased is personal protective 1382
equipment and the purchase is completed during the period of the 1383
emergency declared by Executive Order 2020-01D, issued on March 1384
9, 2020. 1385

For purposes of this division: 1386

"Personal protective equipment" means equipment worn to 1387
minimize exposure to hazards that cause workplace injuries and 1388
illnesses. 1389

"Unanimous vote" means all three members of a board of 1390
county commissioners when all three members are present, or two 1391
members of the board if only two members, constituting a quorum, 1392
are present. 1393

Whenever a contract of purchase, lease, or construction is 1394
exempted from competitive bidding under division (A)(1) of this 1395
section because the estimated cost is less than one hundred 1396
twenty-five thousand dollars, but the estimated cost is the 1397
amount specified in section 9.17 of the Revised Code or more, 1398
the county or contracting authority shall solicit informal 1399
estimates from no fewer than three persons who could perform the 1400
contract, before awarding the contract. With regard to each such 1401
contract, the county or contracting authority shall maintain a 1402
record of such estimates, including the name of each person from 1403
whom an estimate is solicited. The county or contracting 1404
authority shall maintain the record for the longer of at least 1405
one year after the contract is awarded or the amount of time the 1406

federal government requires. 1407

(B) (1) The purchase consists of supplies or a replacement 1408
or supplemental part or parts for a product or equipment owned 1409
or leased by the county, and the only source of supply for the 1410
supplies, part, or parts is limited to a single supplier. 1411

(2) The purchase consists of services related to 1412
information technology, such as programming services, that are 1413
proprietary or limited to a single source. 1414

(C) The purchase is from the federal government, the 1415
state, another county or contracting authority of another 1416
county, or a board of education, educational service center, 1417
township, or municipal corporation. 1418

(D) The purchase is made by a county department of job and 1419
family services under section 329.04 of the Revised Code and 1420
consists of family services duties or workforce development 1421
activities or is made by a county board of developmental 1422
disabilities under section 5126.05 of the Revised Code and 1423
consists of program services, such as direct and ancillary 1424
client services, child care, case management services, 1425
residential services, and family resource services. 1426

(E) The purchase consists of criminal justice services, 1427
social services programs, family services, or workforce 1428
development activities by the board of county commissioners from 1429
nonprofit corporations or associations under programs funded by 1430
the federal government or by state grants. 1431

(F) The purchase consists of any form of an insurance 1432
policy or contract authorized to be issued under Title XXXIX of 1433
the Revised Code or any form of health care plan authorized to 1434
be issued under Chapter 1751. of the Revised Code, or any 1435

combination of such policies, contracts, plans, or services that 1436
the contracting authority is authorized to purchase, and the 1437
contracting authority does all of the following: 1438

(1) Determines that compliance with the requirements of 1439
this section would increase, rather than decrease, the cost of 1440
the purchase; 1441

(2) Requests issuers of the policies, contracts, plans, or 1442
services to submit proposals to the contracting authority, in a 1443
form prescribed by the contracting authority, setting forth the 1444
coverage and cost of the policies, contracts, plans, or services 1445
as the contracting authority desires to purchase; 1446

(3) Negotiates with the issuers for the purpose of 1447
purchasing the policies, contracts, plans, or services at the 1448
best and lowest price reasonably possible. 1449

(G) The purchase consists of computer hardware, software, 1450
or consulting services that are necessary to implement a 1451
computerized case management automation project administered by 1452
the Ohio prosecuting attorneys association and funded by a grant 1453
from the federal government. 1454

(H) Child care services are purchased for provision to 1455
county employees. 1456

(I) (1) Property, including land, buildings, and other real 1457
property, is leased for offices, storage, parking, or other 1458
purposes, and all of the following apply: 1459

(a) The contracting authority is authorized by the Revised 1460
Code to lease the property. 1461

(b) The contracting authority develops requests for 1462
proposals for leasing the property, specifying the criteria that 1463

will be considered prior to leasing the property, including the 1464
desired size and geographic location of the property. 1465

(c) The contracting authority receives responses from 1466
prospective lessors with property meeting the criteria specified 1467
in the requests for proposals by giving notice in a manner 1468
substantially similar to the procedures established for giving 1469
notice under section 307.87 of the Revised Code. 1470

(d) The contracting authority negotiates with the 1471
prospective lessors to obtain a lease at the best and lowest 1472
price reasonably possible considering the fair market value of 1473
the property and any relocation and operational costs that may 1474
be incurred during the period the lease is in effect. 1475

(2) The contracting authority may use the services of a 1476
real estate appraiser to obtain advice, consultations, or other 1477
recommendations regarding the lease of property under this 1478
division. 1479

(J) The purchase is made pursuant to section 5139.34 or 1480
sections 5139.41 to 5139.46 of the Revised Code and is of 1481
programs or services that provide case management, treatment, or 1482
prevention services to any felony or misdemeanor delinquent, 1483
unruly youth, or status offender under the supervision of the 1484
juvenile court, including, but not limited to, community 1485
residential care, day treatment, services to children in their 1486
home, or electronic monitoring. 1487

(K) The purchase is made by a public children services 1488
agency pursuant to section 307.92 or 5153.16 of the Revised Code 1489
and consists of family services, programs, or ancillary services 1490
that provide case management, prevention, or treatment services 1491
for children at risk of being or alleged to be abused, 1492

neglected, or ~~dependent~~-children in need of protective services. 1493

(L) The purchase is to obtain the services of emergency 1494
medical service organizations under a contract made by the board 1495
of county commissioners pursuant to section 307.05 of the 1496
Revised Code with a joint emergency medical services district. 1497

(M) The county contracting authority determines that the 1498
use of competitive sealed proposals would be advantageous to the 1499
county and the contracting authority complies with section 1500
307.862 of the Revised Code. 1501

(N) The purchase consists of used supplies and is made at 1502
a public auction. 1503

Any issuer of policies, contracts, plans, or services 1504
listed in division (F) of this section and any prospective 1505
lessor under division (I) of this section may have the issuer's 1506
or prospective lessor's name and address, or the name and 1507
address of an agent, placed on a special notification list to be 1508
kept by the contracting authority, by sending the contracting 1509
authority that name and address. The contracting authority shall 1510
send notice to all persons listed on the special notification 1511
list. Notices shall state the deadline and place for submitting 1512
proposals. The contracting authority shall mail the notices at 1513
least six weeks prior to the deadline set by the contracting 1514
authority for submitting proposals. Every five years the 1515
contracting authority may review this list and remove any person 1516
from the list after mailing the person notification of that 1517
action. 1518

Any contracting authority that negotiates a contract under 1519
division (F) of this section shall request proposals and 1520
negotiate with issuers in accordance with that division at least 1521

every three years from the date of the signing of such a 1522
contract, unless the parties agree upon terms for extensions or 1523
renewals of the contract. Such extension or renewal periods 1524
shall not exceed six years from the date the initial contract is 1525
signed. 1526

Any real estate appraiser employed pursuant to division 1527
(I) of this section shall disclose any fees or compensation 1528
received from any source in connection with that employment. 1529

As used in division (N) of this section, "supplies" means 1530
any personal property including equipment, materials, and other 1531
tangible assets. 1532

Sec. 2101.17. The fees enumerated in this section shall be 1533
paid to the probate court from the county treasury upon the 1534
warrant of the county auditor which shall issue upon the 1535
certificate of the probate judge and shall be in full for all 1536
services rendered in the respective proceedings as follows: 1537

1538

	1	2	3
A	(A)	For each hearing to determine if a person is an individual with a mental illness subject to hospitalization when the person is committed to a state hospital or to relatives	
B		_____	\$ 12.00;
C	(B)	When the person is discharged	
D		_____	7.00;

E	(C)	For order of return of a person with a mental illness to a state hospital or removal therefrom	
F		_____	2.00;
G	(D)	For proceedings for committing a person to an institution for persons with intellectual disabilities	
H		_____	10.00;
I	(E)	For habeas corpus proceedings when a person is confined under color of proceedings in a criminal case and is discharged	
J		_____	10.00;
K	(F)	When acting as a juvenile judge, for each case filed against a delinquent, dependent, <u>or unruly child, or neglected a child in need of protective services,</u> or a juvenile traffic offender	
L		_____	5.00;
M	(G)	For proceedings to take a child from parents or other persons having control thereof	
N		_____	5.00.

Sec. 2151.011. (A) As used in the Revised Code: 1539

(1) "Juvenile court" means whichever of the following is 1540
applicable that has jurisdiction under this chapter and Chapter 1541

2152. of the Revised Code:	1542
(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;	1543 1544 1545 1546 1547
(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;	1548 1549 1550 1551 1552
(c) If division (A) (1) (a) or (b) of this section does not apply, the probate division of the court of common pleas.	1553 1554
(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.	1555 1556
(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.	1557 1558 1559 1560 1561
(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:	1562 1563 1564 1565 1566 1567
(a) Receives and cares for children for two or more consecutive weeks;	1568 1569

(b) Participates in the placement of children in certified foster homes;	1570 1571
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	1572 1573
(B) As used in this chapter:	1574
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	1575 1576 1577 1578 1579 1580
(2) "Adult" means an individual who is eighteen years of age or older.	1581 1582
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	1583 1584 1585 1586
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	1587 1588 1589 1590 1591 1592
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	1593 1594 1595
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any	1596 1597

person who is adjudicated an unruly child prior to attaining 1598
eighteen years of age until the person attains twenty-one years 1599
of age, and, for purposes of that jurisdiction related to that 1600
adjudication, a person who is so adjudicated an unruly child 1601
shall be deemed a "child" until the person attains twenty-one 1602
years of age. 1603

(7) "Child day camp," "child care," "child care center," 1604
"part-time child care center," "type A family child care home," 1605
"licensed type B family child care home," "type B family child 1606
care home," "administrator of a child care center," 1607
"administrator of a type A family child care home," and "in-home 1608
aide" have the same meanings as in section 5104.01 of the 1609
Revised Code. 1610

(8) "Child care provider" means an individual who is a 1611
child-care staff member or administrator of a child care center, 1612
a type A family child care home, or a type B family child care 1613
home, or an in-home aide or an individual who is licensed, is 1614
regulated, is approved, operates under the direction of, or 1615
otherwise is certified by the department of job and family 1616
services, department of developmental disabilities, or the early 1617
childhood programs of the department of education. 1618

(9) "Commit" means to vest custody as ordered by the 1619
court. 1620

(10) "Counseling" includes both of the following: 1621

(a) General counseling services performed by a public 1622
children services agency or shelter for victims of domestic 1623
violence to assist a child, a child's parents, and a child's 1624
siblings in alleviating identified problems that may cause or 1625
have caused the child to be ~~an abused, neglected, or dependent a~~ 1626

<u>child in need of protective services.</u>	1627
(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.	1628 1629 1630 1631 1632 1633
(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.	1634 1635 1636 1637
(12) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.	1638 1639
(13) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.	1640 1641 1642 1643
(14) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.	1644 1645
(15) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.	1646 1647 1648 1649
(16) <u>"Family care plan" has the same meaning as "family care plan" or "plan of safe care" in rule 5101:2-1-01 of the Administrative Code.</u>	1650 1651 1652
(17) <u>"Foster caregiver"</u> has the same meaning as in section 5103.02 of the Revised Code.	1653 1654

~~(17)~~ (18) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

~~(18)~~ (19) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.

~~(19)~~ (20) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.

~~(20)~~ (21) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

~~(21)~~ (22) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

~~(22)~~ (23) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in

and is attending another public or nonpublic school in this or 1684
another state; 1685

(b) The fact that the child in question is excused from 1686
attendance at school for any of the reasons specified in section 1687
3321.04 or 3321.042 of the Revised Code; 1688

(c) The fact that the child in question has received an 1689
age and schooling certificate in accordance with section 3331.01 1690
of the Revised Code. 1691

~~(23)~~(24) "Mental illness" has the same meaning as in 1692
section 5122.01 of the Revised Code. 1693

~~(24)~~(25) "Mental injury" means any behavioral, cognitive, 1694
emotional, or mental disorder in a child caused by an act or 1695
omission that is described in section 2919.22 of the Revised 1696
Code and is committed by the parent or other person responsible 1697
for the child's care. 1698

~~(25)~~(26) "Nonsecure care, supervision, or training" means 1699
care, supervision, or training of a child in a facility that 1700
does not confine or prevent movement of the child within the 1701
facility or from the facility. 1702

~~(26)~~(27) "Of compulsory school age" has the same meaning 1703
as in section 3321.01 of the Revised Code. 1704

~~(27)~~(28) "Organization" means any institution, public, 1705
semipublic, or private, and any private association, society, or 1706
agency located or operating in the state, incorporated or 1707
unincorporated, having among its functions the furnishing of 1708
protective services or care for children, or the placement of 1709
children in certified foster homes or elsewhere. 1710

~~(28)~~(29) "Out-of-home care" means detention facilities, 1711

shelter facilities, certified children's crisis care facilities, 1712
certified foster homes, placement in a prospective adoptive home 1713
prior to the issuance of a final decree of adoption, 1714
organizations, certified organizations, child care centers, type 1715
A family child care homes, type B family child care homes, child 1716
care provided by in-home aides, group home providers, group 1717
homes, institutions, state institutions, residential facilities, 1718
residential care facilities, residential camps, day camps, 1719
private, nonprofit therapeutic wilderness camps, public schools, 1720
chartered nonpublic schools, educational service centers, 1721
hospitals, and medical clinics that are responsible for the 1722
care, physical custody, or control of children. 1723

~~(29)~~ (30) "Out-of-home care child abuse" means any of the 1724
following when committed by a person responsible for the care of 1725
a child in out-of-home care: 1726

(a) Engaging in sexual activity with a child in the 1727
person's care; 1728

(b) Denial to a child, as a means of punishment, of proper 1729
or necessary subsistence, education, medical care, or other care 1730
necessary for a child's health; 1731

(c) Use of restraint procedures on a child that cause 1732
injury or pain; 1733

(d) Administration of prescription drugs or psychotropic 1734
medication to the child without the written approval and ongoing 1735
supervision of a licensed physician; 1736

(e) Commission of any act, other than by accidental means, 1737
that results in any injury to or death of the child in out-of- 1738
home care or commission of any act by accidental means that 1739
results in an injury to or death of a child in out-of-home care 1740

and that is at variance with the history given of the injury or 1741
death. 1742

~~(30)~~ (31) "Out-of-home care child neglect" means any of 1743
the following when committed by a person responsible for the 1744
care of a child in out-of-home care: 1745

(a) Failure to provide reasonable supervision according to 1746
the standards of care appropriate to the age, mental and 1747
physical condition, or other special needs of the child; 1748

(b) Failure to provide reasonable supervision according to 1749
the standards of care appropriate to the age, mental and 1750
physical condition, or other special needs of the child, that 1751
results in sexual or physical abuse of the child by any person; 1752

(c) Failure to develop a process for all of the following: 1753

(i) Administration of prescription drugs or psychotropic 1754
drugs for the child; 1755

(ii) Assuring that the instructions of the licensed 1756
physician who prescribed a drug for the child are followed; 1757

(iii) Reporting to the licensed physician who prescribed 1758
the drug all unfavorable or dangerous side effects from the use 1759
of the drug. 1760

(d) Failure to provide proper or necessary subsistence, 1761
education, medical care, or other individualized care necessary 1762
for the health or well-being of the child; 1763

(e) Confinement of the child to a locked room without 1764
monitoring by staff; 1765

(f) Failure to provide ongoing security for all 1766
prescription and nonprescription medication; 1767

(g) Isolation of a child for a period of time when there 1768
is substantial risk that the isolation, if continued, will 1769
impair or retard the mental health or physical well-being of the 1770
child. 1771

~~(31)~~ (32) "Permanent custody" means a legal status that 1772
vests in a public children services agency or a private child 1773
placing agency, all parental rights, duties, and obligations, 1774
including the right to consent to adoption, and divests the 1775
natural parents or adoptive parents of all parental rights, 1776
privileges, and obligations, including all residual rights and 1777
obligations. 1778

~~(32)~~ (33) "Permanent surrender" means the act of the 1779
parents or, if a child has only one parent, of the parent of a 1780
child, by a voluntary agreement authorized by section 5103.15 of 1781
the Revised Code, to transfer the permanent custody of the child 1782
to a public children services agency or a private child placing 1783
agency. 1784

~~(33)~~ (34) "Person" means an individual, association, 1785
corporation, or partnership and the state or any of its 1786
political subdivisions, departments, or agencies. 1787

~~(34)~~ (35) "Person responsible for a child's care in out- 1788
of-home care" means any of the following: 1789

(a) Any foster caregiver, in-home aide, or provider; 1790

(b) Any administrator, employee, or agent of any of the 1791
following: a public or private detention facility; shelter 1792
facility; certified children's crisis care facility; 1793
organization; certified organization; child care center; type A 1794
family child care home; licensed type B family child care home; 1795
group home; institution; state institution; residential 1796

facility; residential care facility; residential camp; day camp; 1797
school district; community school; chartered nonpublic school; 1798
educational service center; hospital; or medical clinic; 1799

(c) Any person who supervises or coaches children as part 1800
of an extracurricular activity sponsored by a school district, 1801
public school, or chartered nonpublic school; 1802

(d) Any other person who performs a similar function with 1803
respect to, or has a similar relationship to, children. 1804

~~(35)~~ (36) "Physical impairment" means having one or more 1805
of the following conditions that substantially limit one or more 1806
of an individual's major life activities, including self-care, 1807
receptive and expressive language, learning, mobility, and self- 1808
direction: 1809

(a) A substantial impairment of vision, speech, or 1810
hearing; 1811

(b) A congenital orthopedic impairment; 1812

(c) An orthopedic impairment caused by disease, rheumatic 1813
fever or any other similar chronic or acute health problem, or 1814
amputation or another similar cause. 1815

~~(36)~~ (37) "Placement for adoption" means the arrangement 1816
by a public children services agency or a private child placing 1817
agency with a person for the care and adoption by that person of 1818
a child of whom the agency has permanent custody. 1819

~~(37)~~ (38) "Placement in foster care" means the arrangement 1820
by a public children services agency or a private child placing 1821
agency for the out-of-home care of a child of whom the agency 1822
has temporary custody or permanent custody. 1823

~~(38)~~ (39) "Planned permanent living arrangement" means an 1824

order of a juvenile court pursuant to which both of the 1825
following apply: 1826

(a) The court gives legal custody of a child to a public 1827
children services agency or a private child placing agency 1828
without the termination of parental rights. 1829

(b) The order permits the agency to make an appropriate 1830
placement of the child and to enter into a written agreement 1831
with a foster care provider or with another person or agency 1832
with whom the child is placed. 1833

~~(39)~~ (40) "Practice of social work" and "practice of 1834
professional counseling" have the same meanings as in section 1835
4757.01 of the Revised Code. 1836

~~(40)~~ (41) "Private, nonprofit therapeutic wilderness camp" 1837
has the same meaning as in section 5103.02 of the Revised Code. 1838

~~(41) "Sanction, service, or condition" means a sanction,~~ 1839
~~service, or condition created by court order following an~~ 1840
~~adjudication that a child is an unruly child that is described~~ 1841
~~in division (A) (4) of section 2152.19 of the Revised Code.~~ 1842

(42) "Protective supervision" means an order of 1843
disposition pursuant to which the court permits ~~an abused,~~ 1844
~~neglected, dependent,~~ a child in need of protective services or 1845
an unruly child to remain in the custody of the child's parents, 1846
guardian, or custodian and stay in the child's home, subject to 1847
any conditions and limitations upon the child, the child's 1848
parents, guardian, or custodian, or any other person that the 1849
court prescribes, including supervision as directed by the court 1850
for the protection of the child. 1851

(43) "Psychiatrist" has the same meaning as in section 1852
5122.01 of the Revised Code. 1853

- (44) "Psychologist" has the same meaning as in section 1854
4732.01 of the Revised Code. 1855
- (45) "Resource caregiver" has the same meaning as in 1856
section 5103.02 of the Revised Code. 1857
- (46) "Resource family" has the same meaning as in section 1858
5103.02 of the Revised Code. 1859
- (47) "Residential camp" means a program in which the care, 1860
physical custody, or control of children is accepted overnight 1861
for recreational or recreational and educational purposes. 1862
- (48) "Residential care facility" means an institution, 1863
residence, or facility that is licensed by the department of 1864
mental health and addiction services under section 5119.34 of 1865
the Revised Code and that provides care for a child. 1866
- (49) "Residential facility" means a home or facility that 1867
is licensed by the department of developmental disabilities 1868
under section 5123.19 of the Revised Code and in which a child 1869
with a developmental disability resides. 1870
- (50) "Residual parental rights, privileges, and 1871
responsibilities" means those rights, privileges, and 1872
responsibilities remaining with the natural parent after the 1873
transfer of legal custody of the child, including, but not 1874
necessarily limited to, the privilege of reasonable visitation, 1875
consent to adoption, the privilege to determine the child's 1876
religious affiliation, and the responsibility for support. 1877
- (51) "Sanction, service, or condition" means a sanction, 1878
service, or condition created by court order following an 1879
adjudication that a child is an unruly child that is described 1880
in division (A) (4) of section 2152.19 of the Revised Code. 1881

(52) "School day" means the school day established by the board of education of the applicable school district pursuant to section 3313.481 of the Revised Code.

~~(52)~~ (53) "School year" has the same meaning as in section 3313.62 of the Revised Code.

~~(53)~~ (54) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

~~(54)~~ (55) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(56) "Sexual exploitation" means the purchase, advertisement, proposition, encouragement, or coercion of a child to participate in acting, photography, commercial sex trafficking, or any other depiction or action that is sexual in nature by any person.

~~(55)~~ (57) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

~~(56)~~ (58) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

(59) "Substance-affected infant" has the same meaning as in rule 5101:2-1-01 of the Administrative Code.

~~(57)~~ (60) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody,

by the person who executed the agreement. 1910

~~(58)~~ (61) "Traditional response" means a public children 1911
services agency's response to a report of child abuse or neglect 1912
that encourages engagement of the family in a comprehensive 1913
evaluation of the child's current and future safety needs and a 1914
fact-finding process to determine whether child abuse or neglect 1915
occurred and the circumstances surrounding the alleged harm or 1916
risk of harm. 1917

(C) For the purposes of this chapter, a child shall be 1918
presumed abandoned when the parents of the child have failed to 1919
visit or maintain contact with the child for more than ninety 1920
days, regardless of whether the parents resume contact with the 1921
child after that period of ninety days. 1922

Sec. 2151.03. As used in the Revised Code: 1923

(A) (1) "Child in need of protective services" means any 1924
child: 1925

(a) Who is presumed abandoned; 1926

(b) Who is homeless, destitute, or without adequate 1927
parental supervision or care through no fault of the child's 1928
parents, guardian, or custodian or by reason of the mental or 1929
physical condition of the child's parents, guardian, or 1930
custodian; 1931

(c) Whose condition or environment is such as to warrant 1932
the state to intervene to ensure the safety and well-being of 1933
the child; 1934

(d) To whom both of the following apply: 1935

(i) The child is residing in a household in which there 1936
are reasonable grounds to believe that a parent, guardian, 1937

custodian, or other household member of the child's household 1938
has caused a sibling of the child or any other child who resides 1939
in the household to be a child in need of protective services or 1940
was adjudicated an abused, neglected, or dependent child prior 1941
to the effective date of this section. 1942

(ii) Because of the circumstances surrounding the concerns 1943
leading to a sibling or other child being in need of protective 1944
services and the other conditions in the child's household, the 1945
child is in danger of being abused or neglected by that parent, 1946
guardian, custodian, or member of the household, or the child is 1947
at risk of becoming a child in need of protective services. 1948

(e) Whose parents, guardian, or custodian are unable or 1949
unwilling to provide proper or necessary subsistence, education, 1950
medical or surgical care or treatment, or other care necessary 1951
for the child's mental or physical health, emotional condition, 1952
safety, or well-being; 1953

(f) Whose parents, guardian, or custodian have placed or 1954
attempted to place the child in violation of sections 5103.16 1955
and 5103.17 of the Revised Code; 1956

(g) Who suffers physical or mental injury that harms or 1957
threatens to harm the child's health or welfare and is not 1958
receiving proper or necessary care for such injuries; 1959

(h) Who is subjected to out-of-home care child neglect; 1960

(i) Who is the victim of "sexual activity" as defined 1961
under Chapter 2907. of the Revised Code, where such activity 1962
would constitute an offense under that chapter, except that the 1963
court need not find that any person has been convicted of the 1964
offense in order to find that the child is in need of protective 1965
services; 1966

(j) Who is the victim of disseminating, obtaining, or displaying "materials" or "performances" that are "harmful to juveniles" as defined under section 2907.01 of the Revised Code, where such activity would constitute an offense under that chapter, except that the court need not find that any person has been convicted of the offense in order to find that the child is in need of protective services; 1967
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(k) Who is the victim of sexual exploitation; 1974

(l) Who is endangered as defined in section 2919.22 of the Revised Code, except that the court need not find that any person has been convicted under that section in order to find that the child is in need of protective services; 1975
1976
1977
1978

(m) Who exhibits evidence of any physical or mental injury or death, inflicted other than by accidental means, or an injury or death which is at variance with the history given of it. A child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent, guardian, custodian, person having custody or control, or person in loco parentis of a child is not a child in need of protective services under this division if the measure is not prohibited under section 2919.22 of the Revised Code. 1979
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(n) Who because of the acts of the child's parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare, which includes an infant identified as being a substance-affected infant and does not have an adequate family care plan; or 1988
1989
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1991
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(o) Who is subjected to out-of-home care child abuse. 1993

(2) "A child in need of protective services" includes both of the following: 1994
1995

(a) Any child adjudicated or otherwise determined to be an abused, a neglected, or a dependent child prior to the effective date of this section; 1996
1997
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(b) Any child subject to a report, investigation, or proceeding pending on the effective date of this section in which the child is alleged to be an abused, a neglected, or a dependent child. 1999
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(B) "Abuse" of a child, "abused child," and "child abuse" means an act, or a child subject to an act, as the context requires, as described in divisions (A)(1)(i) to (o) of this section. 2003
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(C) "Neglect" of a child, "neglected child," and "child neglect" means an act or situation, or a child subject to an act or situation, as the context requires, as described in divisions (A)(1)(a), (b), or (e) to (h) of this section. 2007
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Sec. 2151.031. (A)(1) Nothing in this chapter shall be construed as subjecting a parent, guardian, or custodian of a child to criminal liability when, solely in the practice of religious beliefs, the parent, guardian, or custodian fails to provide adequate medical or surgical care or treatment for the child. 2011
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(2) Division (A)(1) of this section does not do either of the following: 2017
2018

(a) Abrogate or limit any person's responsibility under section 2151.421 of the Revised Code to report either of the following: 2019
2020
2021

(i) Any child abuse or neglect that is known or reasonably suspected or believed to have occurred or to exist regarding a child; 2022
2023
2024

(ii) Children who are known to face or are reasonably suspected or believed to be facing a threat of suffering any child abuse or neglect. 2025
2026
2027

(b) Preclude any exercise of the authority of the state, any political subdivision, or any court to ensure that medical or surgical care or treatment is provided to a child when the child's health requires the provision of medical or surgical care or treatment. 2028
2029
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(B) Nothing in this chapter precludes the criminal prosecution of a parent, guardian, or custodian of a child. 2033
2034

Sec. 2151.10. The juvenile judge shall annually submit a written request for an appropriation to the board of county commissioners that shall set forth estimated administrative expenses of the juvenile court that the judge considers reasonably necessary for the operation of the court, including reasonably necessary expenses of the judge and such officers and employees as the judge may designate in attending conferences at which juvenile or welfare problems are discussed, and such sum each year as will provide for the maintenance and operation of the detention facility, the care, maintenance, education, and support of ~~neglected, abused, dependent,~~ children in need of protective services and delinquent children, other than children eligible to participate in the Ohio works first program established under Chapter 5107. of the Revised Code, and for necessary orthopedic, surgical, and medical treatment, and special care as may be ordered by the court for any ~~neglected, abused, dependent,~~ children in need of protective services or delinquent children. The board shall conduct a public hearing with respect to the written request submitted by the judge and shall appropriate such sum of money each year as it determines, 2035
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after conducting the public hearing and considering the written 2055
request of the judge, is reasonably necessary to meet all the 2056
administrative expenses of the court. All disbursements from 2057
such appropriations shall be upon specifically itemized 2058
vouchers, certified to by the judge. 2059

If the judge considers the appropriation made by the board 2060
pursuant to this section insufficient to meet all the 2061
administrative expenses of the court, the judge shall commence 2062
an action under Chapter 2731. of the Revised Code in the court 2063
of appeals for the judicial district for a determination of the 2064
duty of the board of county commissioners to appropriate the 2065
amount of money in dispute. The court of appeals shall give 2066
priority to the action filed by the juvenile judge over all 2067
cases pending on its docket. The burden shall be on the juvenile 2068
judge to prove that the appropriation requested is reasonably 2069
necessary to meet all administrative expenses of the court. If, 2070
prior to the filing of an action under Chapter 2731. of the 2071
Revised Code or during the pendency of the action, the judge 2072
exercises the judge's contempt power in order to obtain the sum 2073
of money in dispute, the judge shall not order the imprisonment 2074
of any member of the board of county commissioners 2075
notwithstanding sections 2705.02 to 2705.06 of the Revised Code. 2076

Sec. 2151.141. (A) If a complaint filed with respect to a 2077
child pursuant to section 2151.27 of the Revised Code alleges 2078
that a child is ~~an abused, neglected, or dependent~~ a child in 2079
need of protective services, any individual or entity that is 2080
listed in divisions (D)(1)(a) to (k) of section 2151.14 of the 2081
Revised Code and that is investigating whether the child is ~~an~~ 2082
~~abused, neglected, or dependent~~ a child in need of protective 2083
services, has custody of the child, is preparing a social 2084
history for the child, or is providing any services for the 2085

child may request any board of education, governing body of a 2086
chartered nonpublic school, public children services agency, 2087
private child placing agency, probation department, law 2088
enforcement agency, or prosecuting attorney that has any records 2089
related to the child to provide the individual or entity with a 2090
copy of the records. The request shall be in writing, describe 2091
the type of records requested, explain the need for the records, 2092
be accompanied by a copy of the complaint, and describe the 2093
relationship of the requesting individual or entity to the 2094
child. The individual or entity shall provide a copy of the 2095
request to the child in question, the attorney or guardian ad 2096
litem of the child, and the parent, guardian, or custodian of 2097
the child. 2098

(B) (1) Any board of education, governing body of a 2099
chartered nonpublic school, public children services agency, 2100
private child placing agency, probation department, law 2101
enforcement agency, or prosecuting attorney that has any records 2102
related to a child who is the subject of a complaint as 2103
described in division (A) of this section and that receives a 2104
request for a copy of the records pursuant to division (A) of 2105
this section shall comply with the request, unless the 2106
individual or entity determines that it is unable to do so 2107
because it is prohibited by law from complying with the request, 2108
the request does not comply with division (A) of this section, 2109
or a complaint as described in division (A) of this section has 2110
not been filed with respect to the child who is the subject of 2111
the requested records. If the individual or entity determines 2112
that it is unable to comply with the request, it shall file a 2113
motion with the court in which the complaint as described in 2114
division (A) of this section was filed or was alleged to have 2115
been filed requesting the court to determine the extent to which 2116

it is required to comply with the request for records. Upon the 2117
filing of the motion, the court immediately shall hold a hearing 2118
on the motion, determine the extent to which the movant is 2119
required to comply with the request for records, and issue 2120
findings of fact and conclusions of law in support of its 2121
determination. The determination of the court shall be final. If 2122
the court determines that the movant is required to comply with 2123
the request for records, it shall identify the specific records 2124
that must be supplied to the individual or entity that requested 2125
them. 2126

(2) In addition to or in lieu of the motion described in 2127
division (B)(1) of this section, a law enforcement agency or 2128
prosecuting attorney that receives a request for a copy of 2129
records pursuant to division (A) of this section may file a 2130
motion for a protective order as described in this division with 2131
the court in which the complaint as described in division (A) of 2132
this section was filed or alleged to have been filed. Upon the 2133
filing of a motion of that nature, the court shall conduct a 2134
hearing on the motion. If at the hearing the law enforcement 2135
agency or prosecuting attorney demonstrates that any of the 2136
following applies and if, after considering the purposes for 2137
which the records were requested pursuant to division (A) of 2138
this section, the best interest of the child, and any 2139
demonstrated need to prevent specific information in the records 2140
from being disclosed, the court determines that the issuance of 2141
a protective order is necessary, then the court shall issue a 2142
protective order that appropriately limits the disclosure of one 2143
or more specified records or specified information in one or 2144
more specified records: 2145

(a) The records or information in the records relate to a 2146
case in which the child is alleged to be a delinquent child or a 2147

case in which a child is transferred for trial as an adult 2148
pursuant to section 2152.12 of the Revised Code and Juvenile 2149
Rule 30, and the adjudication hearing in the case, the trial in 2150
the case, or other disposition of the case has not been 2151
concluded. 2152

(b) The records in question, or the records containing the 2153
information in question, are confidential law enforcement 2154
investigatory records, as defined in section 149.43 of the 2155
Revised Code. 2156

(c) The records or information in the records relate to a 2157
case in which the child is or was alleged to be a delinquent 2158
child or to a case in which a child is or was transferred for 2159
trial as an adult pursuant to section 2152.12 of the Revised 2160
Code and Juvenile Rule 30; another case is pending against any 2161
child or any adult in which the child is alleged to be a 2162
delinquent child, the child is so transferred for trial as an 2163
adult, or the adult is alleged to be a criminal offender; the 2164
allegations in the case to which the records or information 2165
relate and the allegations in the other case are based on the 2166
same act or transaction, are based on two or more connected 2167
transactions or constitute parts of a common scheme or plan, or 2168
are part of a course of criminal conduct; and the adjudication 2169
hearing in, trial in, or other disposition of the other case has 2170
not been concluded. 2171

(C) If an individual or entity is required to provide 2172
copies of records pursuant to this section, the individual or 2173
entity may charge a fee for the copies that does not exceed the 2174
cost of supplying them. 2175

(D) This section does not require, authorize, or permit 2176
the dissemination of any records or any information contained in 2177

any records if the dissemination of the records or information 2178
generally is prohibited by section 2151.142 or another section 2179
of the Revised Code and a waiver as described in division (B) (1) 2180
of section 2151.142 of the Revised Code or a specific provision 2181
of the Revised Code does not specifically authorize or permit 2182
the dissemination of the records or information pursuant to this 2183
section. 2184

Sec. 2151.18. (A) The juvenile court shall maintain 2185
records of all official cases brought before it, including, but 2186
not limited to, an appearance docket, a journal, and records of 2187
the type required by division (A) (2) of section 2151.35 of the 2188
Revised Code. The parents, guardian, or other custodian of any 2189
child affected, if living, or the nearest of kin of the child, 2190
if the parents would be entitled to inspect the records but are 2191
deceased, may inspect these records, either in person or by 2192
counsel, during the hours in which the court is open. 2193

(B) Not later than June of each year, the court shall 2194
prepare an annual report covering the preceding calendar year 2195
showing the number and kinds of cases that have come before it, 2196
the disposition of the cases, and any other data pertaining to 2197
the work of the court that the juvenile judge directs. The 2198
report shall specify the number of children placed in 2199
alternatives to adjudication under division (G) of section 2200
2151.27 of the Revised Code, the number who successfully 2201
completed alternatives to adjudication, and the number who 2202
failed to complete alternatives to adjudication and were 2203
adjudicated unruly. The court shall file copies of the report 2204
with the board of county commissioners and the supreme court. 2205
With the approval of the board, the court may print or cause to 2206
be printed copies of the report for distribution to persons and 2207
agencies interested in the court or community program for 2208

~~dependent, neglected, abused, children in need of protective~~ 2209
~~services~~ or delinquent children and juvenile traffic offenders. 2210
The court shall include the number of copies ordered printed and 2211
the estimated cost of each printed copy on each copy of the 2212
report printed for distribution. 2213

Sec. 2151.23. (A) The juvenile court has exclusive 2214
original jurisdiction under the Revised Code as follows: 2215

(1) Concerning any child who on or about the date 2216
specified in the complaint, indictment, or information is 2217
alleged to have violated section 2151.87 of the Revised Code or 2218
an order issued under that section or to be a juvenile traffic 2219
offender or a delinquent, ~~or unruly, abused, neglected, or~~ 2220
~~dependent~~ child or a child in need of protective services and, 2221
based on and in relation to the allegation pertaining to the 2222
child, concerning the parent, guardian, or other person having 2223
care of a child who is alleged to be an unruly child for being 2224
an habitual truant or who is alleged to be a delinquent child 2225
for violating a court order regarding the child's prior 2226
adjudication as an unruly child for being an habitual truant; 2227

(2) Subject to divisions (G), (I), (K), and (V) of section 2228
2301.03 of the Revised Code, to determine the custody of any 2229
child not a ward of another court of this state; 2230

(3) To hear and determine any application for a writ of 2231
habeas corpus involving the custody of a child; 2232

(4) To exercise the powers and jurisdiction given the 2233
probate division of the court of common pleas in Chapter 5122. 2234
of the Revised Code, if the court has probable cause to believe 2235
that a child otherwise within the jurisdiction of the court is a 2236
person with a mental illness subject to court order, as defined 2237

in section 5122.01 of the Revised Code;	2238
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	2239 2240
(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;	2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	2252 2253
(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;	2254 2255 2256 2257
(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;	2258 2259 2260 2261
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	2262 2263
(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	2264 2265 2266

is not ancillary to an action for divorce, dissolution of 2267
marriage, annulment, or legal separation, a criminal or civil 2268
action involving an allegation of domestic violence, or an 2269
action for support brought under Chapter 3115. of the Revised 2270
Code; 2271

(12) Concerning an action commenced under section 121.38 2272
of the Revised Code; 2273

(13) To hear and determine violations of section 3321.38 2274
of the Revised Code; 2275

(14) To exercise jurisdiction and authority over the 2276
parent, guardian, or other person having care of a child alleged 2277
to be a delinquent child, unruly child, or juvenile traffic 2278
offender, based on and in relation to the allegation pertaining 2279
to the child; 2280

(15) To conduct the hearings, and to make the 2281
determinations, adjudications, and orders authorized or required 2282
under sections 2152.82 to 2152.86 and Chapter 2950. of the 2283
Revised Code regarding a child who has been adjudicated a 2284
delinquent child and to refer the duties conferred upon the 2285
juvenile court judge under sections 2152.82 to 2152.86 and 2286
Chapter 2950. of the Revised Code to magistrates appointed by 2287
the juvenile court judge in accordance with Juvenile Rule 40; 2288

(16) To hear and determine a petition for a protection 2289
order against a child under section 2151.34 or 3113.31 of the 2290
Revised Code and to enforce a protection order issued or a 2291
consent agreement approved under either section against a child 2292
until a date certain but not later than the date the child 2293
attains nineteen years of age; 2294

(17) Concerning emancipated young adults under sections 2295

2151.45 to 2151.455 of the Revised Code;	2296
(18) To hear and determine a request for a court order to	2297
examine and interview a child who may be an abused, neglected,	2298
or dependent child under section 2151.25 of the Revised Code.	2299
(B) Except as provided in divisions (G), (I), and (P) of	2300
section 2301.03 of the Revised Code, the juvenile court has	2301
original jurisdiction under the Revised Code:	2302
(1) To hear and determine all cases of misdemeanors	2303
charging adults with any act or omission with respect to any	2304
child, which act or omission is a violation of any state law or	2305
any municipal ordinance;	2306
(2) To determine the paternity of any child alleged to	2307
have been born out of wedlock pursuant to sections 3111.01 to	2308
3111.18 of the Revised Code;	2309
(3) Under the uniform interstate family support act in	2310
Chapter 3115. of the Revised Code;	2311
(4) To hear and determine an application for an order for	2312
the support of any child, if the child is not a ward of another	2313
court of this state;	2314
(5) To hear and determine an action commenced under	2315
section 3111.28 of the Revised Code;	2316
(6) To hear and determine a motion filed under section	2317
3119.961 of the Revised Code;	2318
(7) To receive filings under section 3109.74 of the	2319
Revised Code, and to hear and determine actions arising under	2320
sections 3109.51 to 3109.80 of the Revised Code.	2321
(8) To enforce an order for the return of a child made	2322

under the Hague Convention on the Civil Aspects of International 2323
Child Abduction pursuant to section 3127.32 of the Revised Code; 2324

(9) To grant any relief normally available under the laws 2325
of this state to enforce a child custody determination made by a 2326
court of another state and registered in accordance with section 2327
3127.35 of the Revised Code. 2328

(C) The juvenile court, except as to juvenile courts that 2329
are a separate division of the court of common pleas or a 2330
separate and independent juvenile court, has jurisdiction to 2331
hear, determine, and make a record of any action for divorce or 2332
legal separation that involves the custody or care of children 2333
and that is filed in the court of common pleas and certified by 2334
the court of common pleas with all the papers filed in the 2335
action to the juvenile court for trial, provided that no 2336
certification of that nature shall be made to any juvenile court 2337
unless the consent of the juvenile judge first is obtained. 2338
After a certification of that nature is made and consent is 2339
obtained, the juvenile court shall proceed as if the action 2340
originally had been begun in that court, except as to awards for 2341
spousal support or support due and unpaid at the time of 2342
certification, over which the juvenile court has no 2343
jurisdiction. 2344

(D) The juvenile court, except as provided in division (I) 2345
of section 2301.03 of the Revised Code, has jurisdiction to hear 2346
and determine all matters as to custody and support of children 2347
duly certified by the court of common pleas to the juvenile 2348
court after a divorce decree has been granted, including 2349
jurisdiction to modify the judgment and decree of the court of 2350
common pleas as the same relate to the custody and support of 2351
children. 2352

(E) The juvenile court, except as provided in division (I) 2353
of section 2301.03 of the Revised Code, has jurisdiction to hear 2354
and determine the case of any child certified to the court by 2355
any court of competent jurisdiction if the child comes within 2356
the jurisdiction of the juvenile court as defined by this 2357
section. 2358

(F) (1) The juvenile court shall exercise its jurisdiction 2359
in child custody matters in accordance with sections 3109.04 and 2360
3127.01 to 3127.53 of the Revised Code and, as applicable, 2361
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 2362
Revised Code. 2363

(2) The juvenile court shall exercise its jurisdiction in 2364
child support matters in accordance with section 3109.05 of the 2365
Revised Code. 2366

(G) Any juvenile court that makes or modifies an order for 2367
child support shall comply with Chapters 3119., 3121., 3123., 2368
and 3125. of the Revised Code. If any person required to pay 2369
child support under an order made by a juvenile court on or 2370
after April 15, 1985, or modified on or after December 1, 1986, 2371
is found in contempt of court for failure to make support 2372
payments under the order, the court that makes the finding, in 2373
addition to any other penalty or remedy imposed, shall assess 2374
all court costs arising out of the contempt proceeding against 2375
the person and require the person to pay any reasonable 2376
attorney's fees of any adverse party, as determined by the 2377
court, that arose in relation to the act of contempt. 2378

(H) If a child who is charged with an act that would be an 2379
offense if committed by an adult was fourteen years of age or 2380
older and under eighteen years of age at the time of the alleged 2381
act and if the case is transferred for criminal prosecution 2382

pursuant to section 2152.12 of the Revised Code, except as 2383
provided in section 2152.121 of the Revised Code, the juvenile 2384
court does not have jurisdiction to hear or determine the case 2385
subsequent to the transfer. The court to which the case is 2386
transferred for criminal prosecution pursuant to that section 2387
has jurisdiction subsequent to the transfer to hear and 2388
determine the case in the same manner as if the case originally 2389
had been commenced in that court, subject to section 2152.121 of 2390
the Revised Code, including, but not limited to, jurisdiction to 2391
accept a plea of guilty or another plea authorized by Criminal 2392
Rule 11 or another section of the Revised Code and jurisdiction 2393
to accept a verdict and to enter a judgment of conviction 2394
pursuant to the Rules of Criminal Procedure against the child 2395
for the commission of the offense that was the basis of the 2396
transfer of the case for criminal prosecution, whether the 2397
conviction is for the same degree or a lesser degree of the 2398
offense charged, for the commission of a lesser-included 2399
offense, or for the commission of another offense that is 2400
different from the offense charged. Section 2152.022 of the 2401
Revised Code applies with respect to the transfer of a case for 2402
criminal prosecution as described in this division and the 2403
determination of jurisdiction after the transfer and, as 2404
described in division (B) of that section, the juvenile court 2405
retains jurisdiction over charges included in the complaint or 2406
complaints containing the allegation that is the basis of the 2407
transfer that are not transferred. 2408

(I) If a person under eighteen years of age allegedly 2409
commits an act that would be a felony if committed by an adult 2410
and if the person is not taken into custody or apprehended for 2411
that act until after the person attains twenty-one years of age, 2412
the juvenile court does not have jurisdiction to hear or 2413

determine any portion of the case charging the person with 2414
committing that act. In those circumstances, divisions (A) and 2415
(B) of section 2152.12 of the Revised Code do not apply 2416
regarding the act, and the case charging the person with 2417
committing the act shall be a criminal prosecution commenced and 2418
heard in the appropriate court having jurisdiction of the 2419
offense as if the person had been eighteen years of age or older 2420
when the person committed the act. All proceedings pertaining to 2421
the act shall be within the jurisdiction of the court having 2422
jurisdiction of the offense, and that court has all the 2423
authority and duties in the case that it has in other criminal 2424
cases in that court. 2425

(J) In exercising its exclusive original jurisdiction 2426
under division (A)(16) of this section with respect to any 2427
proceedings brought under section 2151.34 or 3113.31 of the 2428
Revised Code in which the respondent is a child, the juvenile 2429
court retains all dispositional powers consistent with existing 2430
rules of juvenile procedure and may also exercise its discretion 2431
to adjudicate proceedings as provided in sections 2151.34 and 2432
3113.31 of the Revised Code, including the issuance of 2433
protection orders or the approval of consent agreements under 2434
those sections. 2435

Sec. 2151.236. If a child is subject to a support order 2436
issued by a common pleas court with domestic relations 2437
jurisdiction and if a juvenile court adjudicates the child to be 2438
a delinquent, or unruly, abused, neglected, or dependent child 2439
or a child in need of protective services and grants custody of 2440
the child to an individual or entity other than as set forth in 2441
the order issued by the common pleas court with domestic 2442
relations jurisdiction, the juvenile court shall notify the 2443
common pleas court with domestic relations jurisdiction and the 2444

child support enforcement agency serving the county of that 2445
court. The child support enforcement agency shall review the 2446
child support order and take appropriate action. Any objection 2447
to an administrative order issued as an appropriate action taken 2448
under this section shall be filed in the domestic relations 2449
court. 2450

Sec. 2151.24. (A) Except as provided in division (B) of 2451
this section, the board of county commissioners shall provide a 2452
special room not used for the trial of criminal or adult cases, 2453
when available, for the hearing of the cases of ~~dependent,~~ 2454
~~neglected, abused,~~ children in need of protective services and 2455
delinquent children. 2456

(B) Division (A) of this section does not apply to the 2457
case of an alleged delinquent child when the case is one in 2458
which the prosecuting attorney seeks a serious youthful offender 2459
disposition under section 2152.13 of the Revised Code. 2460

Sec. 2151.25. (A) If a public children services agency 2461
receives a report of child abuse or neglect under section 2462
2151.421 of the Revised Code, ~~or a report that a child may be a~~ 2463
~~dependent child,~~ and is denied reasonable access to the child by 2464
a parent, guardian, custodian, or caregiver of the child, or to 2465
any other information necessary to determine if the child is, or 2466
at risk of becoming, an abused, or neglected child, or ~~dependent~~ 2467
a child in need of protective services, the agency may request a 2468
juvenile court to issue an order granting the agency access to 2469
examine and interview the child, or to conduct other activities 2470
necessary to determine the risk to the child. The agency shall 2471
make the request by submitting a sworn affidavit explaining the 2472
need for the order in the juvenile court of the county in which 2473
the child has a residence or legal settlement or in which the 2474

reported abuse or neglect of the child occurred ~~or the reported~~ 2475
~~conditions exist regarding the child's dependency.~~ 2476

(B) The affidavit shall include the following: 2477

(1) The particular facts of the allegation or allegations 2478
in the report that may indicate the child is an abused, or 2479
neglected child, or ~~dependent a child in need of protective~~ 2480
services; 2481

(2) The agency's efforts to gather additional information 2482
to determine whether or not the child may be, or at risk of 2483
becoming, an abused, or neglected child, or ~~dependent a child in~~ 2484
need of protective services; 2485

(3) The agency efforts to obtain consent from a parent, 2486
guardian, custodian, or caregiver to examine and interview the 2487
child, or to conduct other activities necessary to determine the 2488
risk to the child; 2489

(4) The activities the agency deems necessary to determine 2490
the current risk to the child. 2491

(C) The affidavit shall not identify the source of the 2492
allegation or allegations in the report that may indicate the 2493
child is an abused, or neglected child, or ~~dependent a child in~~ 2494
need of protective services. 2495

(D) (1) Upon receipt of request and a sworn affidavit 2496
submitted according to division (A) of this section, if the 2497
court determines that probable cause exists, the court may, 2498
without a hearing, issue an order requiring the parent, 2499
guardian, custodian, or caregiver of the child comply with the 2500
agency's investigation, including, an interview and examination 2501
of the child, and other activity the court deems necessary to 2502
determine the current risk posed to the child. 2503

(2) The court may include within the order specific 2504
instructions on the manner and location of the interview and 2505
examination of the child, as well as detail any other necessary 2506
activities. 2507

(E) An order issued pursuant to this section is not a 2508
final, appealable order for purposes of appeal under division 2509
(B) of section 2505.02 of the Revised Code. 2510

Sec. 2151.27. (A) (1) Subject to division (A) (2) of this 2511
section, any person having knowledge of a child who appears to 2512
have violated section 2151.87 of the Revised Code or to be a 2513
juvenile traffic offender or to be an unruly, ~~abused, neglected,~~ 2514
~~or dependent~~ child or a child in need of protective services, 2515
may file a sworn complaint with respect to that child in the 2516
juvenile court of the county in which the child has a residence 2517
or legal settlement or in which the violation, unruliness, 2518
~~abuse, neglect, or dependency~~ act or situation causing a child 2519
to be a child in need of protective services allegedly occurred. 2520
If an alleged ~~abused, neglected, or dependent~~ child in need of 2521
protective services is taken into custody pursuant to division 2522
(D) of section 2151.31 of the Revised Code or is taken into 2523
custody pursuant to division (A) of section 2151.31 of the 2524
Revised Code without the filing of a complaint and placed into 2525
shelter care pursuant to division (C) of that section, a sworn 2526
complaint shall be filed with respect to the child before the 2527
end of the next day after the day on which the child was taken 2528
into custody. The sworn complaint may be upon information and 2529
belief, and, in addition to the allegation that the child 2530
committed the violation or is an unruly, ~~abused, neglected, or~~ 2531
~~dependent~~ child or a child in need of protective services, the 2532
complaint shall allege the particular facts upon which the 2533
allegation that the child committed the violation or is an 2534

~~unruly, abused, neglected, or dependent~~ child or a child in need 2535
of protective services is based. 2536

(2) Any person having knowledge of a child who appears to 2537
be an unruly child for being an habitual truant may file a sworn 2538
complaint with respect to that child and the parent, guardian, 2539
or other person having care of the child in the juvenile court 2540
of the county in which the child has a residence or legal 2541
settlement or in which the child is supposed to attend public 2542
school. The sworn complaint may be upon information and belief 2543
and shall contain the following allegations: 2544

(a) That the child is an unruly child for being an 2545
habitual truant and, in addition, the particular facts upon 2546
which that allegation is based; 2547

(b) That the parent, guardian, or other person having care 2548
of the child has failed to cause the child's attendance at 2549
school in violation of section 3321.38 of the Revised Code and, 2550
in addition, the particular facts upon which that allegation is 2551
based. 2552

(B) If a child, before arriving at the age of eighteen 2553
years, allegedly commits an act for which the child may be 2554
adjudicated an unruly child and if the specific complaint 2555
alleging the act is not filed or a hearing on that specific 2556
complaint is not held until after the child arrives at the age 2557
of eighteen years, the court has jurisdiction to hear and 2558
dispose of the complaint as if the complaint were filed and the 2559
hearing held before the child arrived at the age of eighteen 2560
years. 2561

(C) If the complainant in a case in which a child is 2562
alleged to be ~~an abused, neglected, or dependent~~ a child in need 2563

of protective services desires permanent custody of the child or 2564
children, temporary custody of the child or children, whether as 2565
the preferred or an alternative disposition, or the placement of 2566
the child in a planned permanent living arrangement, the 2567
complaint shall contain a prayer specifically requesting 2568
permanent custody, temporary custody, or the placement of the 2569
child in a planned permanent living arrangement. 2570

(D) Any person with standing under applicable law may file 2571
a complaint for the determination of any other matter over which 2572
the juvenile court is given jurisdiction by section 2151.23 of 2573
the Revised Code. The complaint shall be filed in the county in 2574
which the child who is the subject of the complaint is found or 2575
was last known to be found. 2576

(E) A public children services agency, acting pursuant to 2577
a complaint or an action on a complaint filed under this 2578
section, is not subject to the requirements of section 3127.23 2579
of the Revised Code. 2580

(F) Upon the filing of a complaint alleging that a child 2581
is an unruly child, the court may hold the complaint in abeyance 2582
pending the child's successful completion of actions that 2583
constitute a method to divert the child from the juvenile court 2584
system. The method may be adopted by a county pursuant to 2585
divisions (D) and (E) of section 121.37 of the Revised Code or 2586
it may be another method that the court considers satisfactory. 2587
If the child completes the actions to the court's satisfaction, 2588
the court may dismiss the complaint. If the child fails to 2589
complete the actions to the court's satisfaction, the court may 2590
consider the complaint. 2591

(G) Upon the filing of a complaint that a child is an 2592
unruly child that is based solely on a child being an habitual 2593

truant, the court shall consider an alternative to adjudication, 2594
including actions that constitute a method to divert the child 2595
from the juvenile court system, using the Rules of Juvenile 2596
Procedure, or by any other means if such an alternative is 2597
available to the court and the child has not already 2598
participated or failed to complete one of the available 2599
alternatives. The court shall consider the complaint only as a 2600
matter of last resort. 2601

(H) If a complaint that a child is an unruly child based 2602
on the child being an habitual truant proceeds to consideration 2603
by the court, the prosecution shall bear the burden of proving 2604
beyond a reasonable doubt the following: 2605

(1) That the child is of compulsory school age, as defined 2606
in section 3321.01 of the Revised Code; 2607

(2) That the child was absent without legitimate excuse 2608
for absence from the public school the child was supposed to 2609
attend for thirty or more consecutive hours, forty-two or more 2610
hours in one school month, or seventy-two or more hours in a 2611
school year. 2612

The child may assert as an affirmative defense the fact 2613
that the child did participate in, or made satisfactory progress 2614
on, the absence intervention plan or other alternatives to 2615
adjudication as described in division (C) of section 3321.191 of 2616
the Revised Code. 2617

Sec. 2151.272. (A) As used in this section: 2618

(1) "IEP" has the same meaning as in section 3323.01 of 2619
the Revised Code. 2620

(2) "504 plan" means a plan based on an evaluation 2621
conducted in accordance with section 504 of the "Rehabilitation 2622

Act of 1973," 29 U.S.C. 794, as amended. 2623

(B) Upon the filing of a complaint, under section 2151.27 2624
of the Revised Code, alleging that a child is ~~an abused,~~ 2625
~~neglected, or dependent~~ a child in need of protective services, 2626
the judge of the court in which the complaint is filed may order 2627
the board of education of the school district in which the child 2628
was enrolled immediately prior to the filing of the complaint to 2629
release the child's grades, credits, official transcripts, IEPs, 2630
and 504 plans to any district or school in which the child 2631
enrolls after the complaint is filed. 2632

Sec. 2151.28. (A) No later than seventy-two hours after 2633
the complaint is filed, the court shall fix a time for an 2634
adjudicatory hearing. The court shall conduct the adjudicatory 2635
hearing within one of the following periods of time: 2636

(1) Subject to division (C) of section 2152.13 of the 2637
Revised Code and division (A)(3) of this section, if the 2638
complaint alleged that the child violated section 2151.87 of the 2639
Revised Code or is a delinquent or unruly child or a juvenile 2640
traffic offender, the adjudicatory hearing shall be held and may 2641
be continued in accordance with the Juvenile Rules. 2642

(2) If the complaint alleged that the child is ~~an abused,~~ 2643
~~neglected, or dependent~~ a child in need of protective services, 2644
the adjudicatory hearing shall be held no later than thirty days 2645
after the complaint is filed, except that, for good cause shown, 2646
the court may continue the adjudicatory hearing for either of 2647
the following periods of time: 2648

(a) For ten days beyond the thirty-day deadline to allow 2649
any party to obtain counsel; 2650

(b) For a reasonable period of time beyond the thirty-day 2651

deadline to obtain service on all parties or any necessary 2652
evaluation, except that the adjudicatory hearing shall not be 2653
held later than sixty days after the date on which the complaint 2654
was filed. 2655

(3) If the child who is the subject of the complaint is in 2656
detention and is charged with violating a section of the Revised 2657
Code that may be violated by an adult, the hearing shall be held 2658
not later than fifteen days after the filing of the complaint. 2659
Upon a showing of good cause, the adjudicatory hearing may be 2660
continued and detention extended. 2661

(B) At an adjudicatory hearing held pursuant to division 2662
(A) (2) of this section, the court, in addition to determining 2663
whether the child is ~~an abused, neglected, or dependent~~ a child 2664
in need of protective services, shall determine whether the 2665
child should remain or be placed in shelter care until the 2666
dispositional hearing. When the court makes the shelter care 2667
determination, all of the following apply: 2668

(1) The court shall determine whether there are any 2669
relatives of the child who are willing to be temporary 2670
custodians of the child. If any relative is willing to be a 2671
temporary custodian, the child otherwise would remain or be 2672
placed in shelter care, and the appointment is appropriate, the 2673
court shall appoint the relative as temporary custodian of the 2674
child, unless the court appoints another relative as custodian. 2675
If it determines that the appointment of a relative as custodian 2676
would not be appropriate, it shall issue a written opinion 2677
setting forth the reasons for its determination and give a copy 2678
of the opinion to all parties and the guardian ad litem of the 2679
child. 2680

The court's consideration of a relative for appointment as 2681

a temporary custodian does not make that relative a party to the 2682
proceedings. 2683

(2) The court shall comply with section 2151.419 of the 2684
Revised Code. 2685

(3) The court shall schedule the date for the 2686
dispositional hearing to be held pursuant to section 2151.35 of 2687
the Revised Code. The parents of the child have a right to be 2688
represented by counsel; however, in no case shall the 2689
dispositional hearing be held later than ninety days after the 2690
date on which the complaint was filed. 2691

(C) (1) The court shall direct the issuance of a summons 2692
directed to the child except as provided by this section, the 2693
parents, guardian, custodian, or other person with whom the 2694
child may be, and any other persons that appear to the court to 2695
be proper or necessary parties to the proceedings, requiring 2696
them to appear before the court at the time fixed to answer the 2697
allegations of the complaint. The summons shall contain the name 2698
and telephone number of the court employee designated by the 2699
court pursuant to section 2151.314 of the Revised Code to 2700
arrange for the prompt appointment of counsel for indigent 2701
persons. A child alleged to be ~~an abused, neglected, or~~ 2702
~~dependent~~ a child in need of protective services shall not be 2703
summoned unless the court so directs. A summons issued for a 2704
child who is under fourteen years of age and who is alleged to 2705
be a delinquent child, unruly child, or a juvenile traffic 2706
offender shall be served on the parent, guardian, or custodian 2707
of the child in the child's behalf. 2708

If the person who has physical custody of the child, or 2709
with whom the child resides, is other than the parent or 2710
guardian, then the parents and guardian also shall be summoned. 2711

A copy of the complaint shall accompany the summons. 2712

(2) In lieu of appearing before the court at the time 2713
fixed in the summons and prior to the date fixed for appearance 2714
in the summons, a child who is alleged to have violated section 2715
2151.87 of the Revised Code and that child's parent, guardian, 2716
or custodian may sign a waiver of appearance before the clerk of 2717
the juvenile court and pay a fine of one hundred dollars. If the 2718
child and that child's parent, guardian, or custodian do not 2719
waive the court appearance, the court shall proceed with the 2720
adjudicatory hearing as provided in this section. 2721

(D) If the complaint contains a prayer for permanent 2722
custody, temporary custody, whether as the preferred or an 2723
alternative disposition, or a planned permanent living 2724
arrangement in a case involving an alleged ~~abused, neglected, or~~ 2725
~~dependent~~ child in need of protective services, the summons 2726
served on the parents shall contain as is appropriate an 2727
explanation that the granting of permanent custody permanently 2728
divests the parents of their parental rights and privileges, an 2729
explanation that an adjudication that the child is ~~an abused,~~ 2730
~~neglected, or dependent~~ a child in need of protective services 2731
may result in an order of temporary custody that will cause the 2732
removal of the child from their legal custody until the court 2733
terminates the order of temporary custody or permanently divests 2734
the parents of their parental rights, or an explanation that the 2735
issuance of an order for a planned permanent living arrangement 2736
will cause the removal of the child from the legal custody of 2737
the parents if any of the conditions listed in divisions (A) (5) 2738
(a) to (c) of section 2151.353 of the Revised Code are found to 2739
exist. 2740

(E) (1) Except as otherwise provided in division (E) (2) of 2741

this section, the court may endorse upon the summons an order 2742
directing the parents, guardian, or other person with whom the 2743
child may be to appear personally at the hearing and directing 2744
the person having the physical custody or control of the child 2745
to bring the child to the hearing. 2746

(2) In cases in which the complaint alleges that a child 2747
is an unruly child for being an habitual truant or that a child 2748
is a delinquent child for violating a court order regarding the 2749
child's prior adjudication as an unruly child for being an 2750
habitual truant, and that the parent, guardian, or other person 2751
having care of the child has failed to cause the child's 2752
attendance at school, the court shall endorse upon the summons 2753
an order directing the parent, guardian, or other person having 2754
care of the child to appear personally at the hearing and 2755
directing the person having the physical custody or control of 2756
the child to bring the child to the hearing. 2757

(F) (1) The summons shall contain a statement advising that 2758
any party is entitled to counsel in the proceedings and that the 2759
court will appoint counsel or designate a county public defender 2760
or joint county public defender to provide legal representation 2761
if the party is indigent. 2762

(2) In cases in which the complaint alleges a child to be 2763
~~an abused, neglected, or dependent~~ a child in need of protective 2764
services and no hearing has been conducted pursuant to division 2765
(A) of section 2151.314 of the Revised Code with respect to the 2766
child or a parent, guardian, or custodian of the child does not 2767
attend the hearing, the summons also shall contain a statement 2768
advising that a case plan may be prepared for the child, the 2769
general requirements usually contained in case plans, and the 2770
possible consequences of failure to comply with a journalized 2771

case plan. 2772

(G) If it appears from an affidavit filed or from sworn 2773
testimony before the court that the conduct, condition, or 2774
surroundings of the child are endangering the child's health or 2775
welfare or those of others, that the child may abscond or be 2776
removed from the jurisdiction of the court, or that the child 2777
will not be brought to the court, notwithstanding the service of 2778
the summons, the court may endorse upon the summons an order 2779
that a law enforcement officer serve the summons and take the 2780
child into immediate custody and bring the child forthwith to 2781
the court. 2782

(H) A party, other than the child, may waive service of 2783
summons by written stipulation. 2784

(I) Before any temporary commitment is made permanent, the 2785
court shall fix a time for hearing in accordance with section 2786
2151.414 of the Revised Code and shall cause notice by summons 2787
to be served upon the parent or guardian of the child and the 2788
guardian ad litem of the child, or published, as provided in 2789
section 2151.29 of the Revised Code. The summons shall contain 2790
an explanation that the granting of permanent custody 2791
permanently divests the parents of their parental rights and 2792
privileges. 2793

(J) Any person whose presence is considered necessary and 2794
who is not summoned may be subpoenaed to appear and testify at 2795
the hearing. Anyone summoned or subpoenaed to appear who fails 2796
to do so may be punished, as in other cases in the court of 2797
common pleas, for contempt of court. Persons subpoenaed shall be 2798
paid the same witness fees as are allowed in the court of common 2799
pleas. 2800

(K) The failure of the court to hold an adjudicatory hearing within any time period set forth in division (A) (2) of this section does not affect the ability of the court to issue any order under this chapter and does not provide any basis for attacking the jurisdiction of the court or the validity of any order of the court.

(L) If the court, at an adjudicatory hearing held pursuant to division (A) of this section upon a complaint alleging that a child is ~~an abused, neglected, dependent,~~ a child in need of protective services, a delinquent, or unruly child, or a juvenile traffic offender, determines that the child is a ~~dependent child in need of protective services,~~ the court shall incorporate that determination into written findings of fact and conclusions of law and enter those findings of fact and conclusions of law in the record of the case. The court shall include in those findings of fact and conclusions of law specific findings as to the existence of any danger to the child and any underlying family problems that are the basis for the court's determination that the child is a ~~dependent child in~~ need of protective services.

Sec. 2151.281. (A) The court shall appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of a child in any proceeding concerning an alleged or adjudicated delinquent child or unruly child when either of the following applies:

(1) The child has no parent, guardian, or legal custodian.

(2) The court finds that there is a conflict of interest between the child and the child's parent, guardian, or legal custodian.

(B) (1) Except as provided in division (K) of this section, 2830
the court shall appoint a guardian ad litem, subject to rules 2831
adopted by the supreme court, to protect the interest of a child 2832
in any proceeding concerning an alleged ~~abused or neglected~~ 2833
child in need of protective services and in any proceeding held 2834
pursuant to section 2151.414 of the Revised Code. The guardian 2835
ad litem so appointed shall not be the attorney responsible for 2836
presenting the evidence alleging that the child is ~~an abused or~~ 2837
~~neglected a~~ child in need of protective services and shall not 2838
be an employee of any party in the proceeding. 2839

~~(2) Except in any proceeding concerning a dependent child 2840
involving the permanent custody of an infant under the age of 2841
six months for the sole purpose of placement for adoption by a 2842
private child placing agency, the court shall appoint a guardian 2843
ad litem, subject to rules adopted by the supreme court, to 2844
protect the interest of a child in any proceeding concerning an 2845
alleged dependent child if any of the following applies: 2846~~

~~(a) The parent of the child appears to be mentally 2847
incompetent or is under eighteen years of age. 2848~~

~~(b) There is a conflict of interest between the child and 2849
the child's parents, guardian, or custodian. 2850~~

~~(c) The court believes that the parent of the child is not 2851
capable of representing the best interest of the child. 2852~~

~~(3) Except in any proceeding concerning a dependent child 2853
involving the permanent custody of an infant under the age of 2854
six months for the sole purpose of placement for adoption by a 2855
private child placing agency, the court may appoint a guardian 2856
ad litem, subject to rules adopted by the supreme court, to 2857
protect the interest of the child in any other proceeding 2858~~

~~concerning an alleged dependent child.~~ 2859

~~(4)~~ The guardian ad litem appointed for an alleged or 2860
adjudicated ~~abused or neglected~~ child in need of protective 2861
services may bring a civil action against any person who is 2862
required by division (A) (1) or (4) of section 2151.421 of the 2863
Revised Code to file a report of child abuse or child neglect 2864
that is known or reasonably suspected or believed to have 2865
occurred if that person knows, or has reasonable cause to 2866
suspect or believe based on facts that would cause a reasonable 2867
person in a similar position to suspect or believe, as 2868
applicable, that the child for whom the guardian ad litem is 2869
appointed is the subject of an act or situation causing child 2870
abuse or child neglect and does not file the required report and 2871
if the child suffers any injury or harm as a result of the child 2872
abuse or child neglect that is known or reasonably suspected or 2873
believed to have occurred or suffers additional injury or harm 2874
after the failure to file the report. 2875

(C) In any proceeding concerning an alleged or adjudicated 2876
delinquent, ~~or unruly, abused, neglected, or dependent child~~ or 2877
a child in need of protective services in which the parent 2878
appears to be mentally incompetent or is under eighteen years of 2879
age, the court shall appoint a guardian ad litem to protect the 2880
interest of that parent. 2881

(D) The court shall require the guardian ad litem to 2882
faithfully discharge the guardian ad litem's duties and, upon 2883
the guardian ad litem's failure to faithfully discharge the 2884
guardian ad litem's duties, shall discharge the guardian ad 2885
litem and appoint another guardian ad litem. The court may fix 2886
the compensation for the service of the guardian ad litem, which 2887
compensation shall be paid from the treasury of the county, 2888

subject to rules adopted by the supreme court. 2889

(E) A parent who is eighteen years of age or older and not 2890
mentally incompetent shall be deemed sui juris for the purpose 2891
of any proceeding relative to a child of the parent who is 2892
alleged or adjudicated to be ~~an abused, neglected, or dependent~~ 2893
a child in need of protective services. 2894

(F) In any case in which a parent of a child alleged or 2895
adjudicated to be ~~an abused, neglected, or dependent~~ a child in 2896
need of protective services is under eighteen years of age, the 2897
parents of that parent shall be summoned to appear at any 2898
hearing respecting the child, who is alleged or adjudicated to 2899
be ~~an abused, neglected, or dependent~~ a child in need of 2900
protective services. 2901

(G) Except as provided in division (K) of this section, in 2902
any case in which a guardian ad litem is to be appointed for an 2903
alleged or adjudicated ~~abused, neglected, or dependent~~ child in 2904
need of protective services or in any case involving an 2905
agreement for the voluntary surrender of temporary or permanent 2906
custody of a child that is made in accordance with section 2907
5103.15 of the Revised Code, the court shall appoint the 2908
guardian ad litem in each case as soon as possible after the 2909
complaint is filed, the request for an extension of the 2910
temporary custody agreement is filed with the court, or the 2911
request for court approval of the permanent custody agreement is 2912
filed. The guardian ad litem or the guardian ad litem's 2913
replacement shall continue to serve until any of the following 2914
occur: 2915

(1) The complaint is dismissed or the request for an 2916
extension of a temporary custody agreement or for court approval 2917
of the permanent custody agreement is withdrawn or denied; 2918

(2) All dispositional orders relative to the child have terminated;	2919 2920
(3) The legal custody of the child is granted to a relative of the child, or to another person;	2921 2922
(4) The child is placed in an adoptive home or, at the court's discretion, a final decree of adoption is issued with respect to the child;	2923 2924 2925
(5) The child reaches the age of eighteen if the child does not have a developmental disability or physical impairment or the child reaches the age of twenty-one if the child has a developmental disability or physical impairment;	2926 2927 2928 2929
(6) The guardian ad litem resigns or is removed by the court and a replacement is appointed by the court.	2930 2931
If a guardian ad litem ceases to serve a child pursuant to division (G)(4) of this section and the petition for adoption with respect to the child is denied or withdrawn prior to the issuance of a final decree of adoption or prior to the date an interlocutory order of adoption becomes final, the juvenile court shall reappoint a guardian ad litem for that child. The public children services agency or private child placing agency with permanent custody of the child shall notify the juvenile court if the petition for adoption is denied or withdrawn.	2932 2933 2934 2935 2936 2937 2938 2939 2940
(H) If the guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child <u>in need of protective services</u> is an attorney admitted to the practice of law in this state, the guardian ad litem also may serve as counsel to the ward. Until the supreme court adopts rules regarding service as a guardian ad litem that regulate conflicts between a person's role as guardian ad litem and as counsel, if a person is serving	2941 2942 2943 2944 2945 2946 2947

as guardian ad litem and counsel for a child and either that 2948
person or the court finds that a conflict may exist between the 2949
person's roles as guardian ad litem and as counsel, the court 2950
shall relieve the person of duties as guardian ad litem and 2951
appoint someone else as guardian ad litem for the child. If the 2952
court appoints a person who is not an attorney admitted to the 2953
practice of law in this state to be a guardian ad litem, the 2954
court also may appoint an attorney admitted to the practice of 2955
law in this state to serve as counsel for the guardian ad litem. 2956

(I) The guardian ad litem for an alleged or adjudicated 2957
~~abused, neglected, or dependent~~ child in need of protective 2958
services shall perform whatever functions are necessary to 2959
protect the best interest of the child, including, but not 2960
limited to, investigation, mediation, monitoring court 2961
proceedings, and monitoring the services provided the child by 2962
the public children services agency or private child placing 2963
agency that has temporary or permanent custody of the child, and 2964
shall file any motions and other court papers that are in the 2965
best interest of the child in accordance with rules adopted by 2966
the supreme court. 2967

The guardian ad litem shall be given notice of all 2968
hearings, administrative reviews, and other proceedings in the 2969
same manner as notice is given to parties to the action. 2970

(J) (1) When the court appoints a guardian ad litem 2971
pursuant to this section, it shall appoint a qualified volunteer 2972
or court appointed special advocate whenever one is available 2973
and the appointment is appropriate. 2974

(2) Upon request, the department of job and family 2975
services shall provide for the training of volunteer guardians 2976
ad litem. 2977

(K) A guardian ad litem shall not be appointed for a child 2978
who is under six months of age in any proceeding in which a 2979
private child placing agency is seeking permanent custody of the 2980
child or seeking approval of a voluntary permanent custody 2981
surrender agreement for the sole purpose of the adoption of the 2982
child. 2983

Sec. 2151.31. (A) A child may be taken into custody in any 2984
of the following ways: 2985

(1) Pursuant to an order of the court under this chapter 2986
or pursuant to an order of the court upon a motion filed 2987
pursuant to division (B) of section 2930.05 of the Revised Code; 2988

(2) Pursuant to the laws of arrest; 2989

(3) By a law enforcement officer or duly authorized 2990
officer of the court when any of the following conditions are 2991
present: 2992

(a) There are reasonable grounds to believe that the child 2993
is suffering from illness or injury and is not receiving proper 2994
care, as described in section 2151.03 of the Revised Code, and 2995
the child's removal is necessary to prevent immediate or 2996
threatened physical or emotional harm; 2997

(b) There are reasonable grounds to believe that the child 2998
is in immediate danger from the child's surroundings and that 2999
the child's removal is necessary to prevent immediate or 3000
threatened physical or emotional harm; 3001

(c) There are reasonable grounds to believe that a parent, 3002
guardian, custodian, or other household member of the child's 3003
household has ~~abused or neglected~~ caused another child in the 3004
household to be a child in need of protective services and to 3005
believe that the child is in danger of immediate or threatened 3006

physical or emotional harm from that person. 3007

(4) By an enforcement official, as defined in section 3008
4109.01 of the Revised Code, under the circumstances set forth 3009
in section 4109.08 of the Revised Code; 3010

(5) By a law enforcement officer or duly authorized 3011
officer of the court when there are reasonable grounds to 3012
believe that the child has run away from the child's parents, 3013
guardian, or other custodian; 3014

(6) By a law enforcement officer or duly authorized 3015
officer of the court when any of the following apply: 3016

(a) There are reasonable grounds to believe that the 3017
conduct, conditions, or surroundings of the child are 3018
endangering the health, welfare, or safety of the child. 3019

(b) A complaint has been filed with respect to the child 3020
under section 2151.27 or 2152.021 of the Revised Code or the 3021
child has been indicted under division (A) of section 2152.13 of 3022
the Revised Code or charged by information as described in that 3023
section and there are reasonable grounds to believe that the 3024
child may abscond or be removed from the jurisdiction of the 3025
court. 3026

(c) The child is required to appear in court and there are 3027
reasonable grounds to believe that the child will not be brought 3028
before the court when required. 3029

(d) There are reasonable grounds to believe that the child 3030
committed a delinquent act and that taking the child into 3031
custody is necessary to protect the public interest and safety. 3032

(B) (1) The taking of a child into custody is not and shall 3033
not be deemed an arrest except for the purpose of determining 3034

its validity under the constitution of this state or of the 3035
United States. 3036

(2) Except as provided in division (C) of section 2151.311 3037
of the Revised Code, a child taken into custody shall not be 3038
held in any state correctional institution, county, multicounty, 3039
or municipal jail or workhouse, or any other place where any 3040
adult convicted of crime, under arrest, or charged with crime is 3041
held. 3042

(C) (1) Except as provided in division (C) (2) of this 3043
section, a child taken into custody shall not be confined in a 3044
place of juvenile detention or placed in shelter care prior to 3045
the implementation of the court's final order of disposition, 3046
unless detention or shelter care is required to protect the 3047
child from immediate or threatened physical or emotional harm, 3048
because the child is a danger or threat to one or more other 3049
persons and is charged with violating a section of the Revised 3050
Code that may be violated by an adult, because the child may 3051
abscond or be removed from the jurisdiction of the court, 3052
because the child has no parents, guardian, or custodian or 3053
other person able to provide supervision and care for the child 3054
and return the child to the court when required, or because an 3055
order for placement of the child in detention or shelter care 3056
has been made by the court pursuant to this chapter. 3057

(2) A child alleged to be a delinquent child who is taken 3058
into custody may be confined in a place of juvenile detention 3059
prior to the implementation of the court's final order of 3060
disposition if the confinement is authorized under section 3061
2152.04 of the Revised Code or if the child is alleged to be a 3062
serious youthful offender under section 2152.13 of the Revised 3063
Code and is not released on bond. 3064

(D) Upon receipt of notice from a person that the person 3065
intends to take an alleged ~~abused, neglected, or dependent~~ child 3066
in need of protective services into custody pursuant to division 3067
(A) (3) of this section, a juvenile judge or a designated referee 3068
may grant by telephone an ex parte emergency order authorizing 3069
the taking of the child into custody if there is probable cause 3070
to believe that any of the conditions set forth in divisions (A) 3071
(3) (a) to (c) of this section are present. The judge or referee 3072
shall journalize any ex parte emergency order issued pursuant to 3073
this division. If an order is issued pursuant to this division 3074
and the child is taken into custody pursuant to the order, a 3075
sworn complaint shall be filed with respect to the child before 3076
the end of the next business day after the day on which the 3077
child is taken into custody and a hearing shall be held pursuant 3078
to division (E) of this section and the Juvenile Rules. A 3079
juvenile judge or referee shall not grant an emergency order by 3080
telephone pursuant to this division until after the judge or 3081
referee determines that reasonable efforts have been made to 3082
notify the parents, guardian, or custodian of the child that the 3083
child may be placed into shelter care and of the reasons for 3084
placing the child into shelter care, except that, if the 3085
requirement for notification would jeopardize the physical or 3086
emotional safety of the child or result in the child being 3087
removed from the court's jurisdiction, the judge or referee may 3088
issue the order for taking the child into custody and placing 3089
the child into shelter care prior to giving notice to the 3090
parents, guardian, or custodian of the child. 3091

(E) If a judge or referee pursuant to division (D) of this 3092
section issues an ex parte emergency order for taking a child 3093
into custody, the court shall hold a hearing to determine 3094
whether there is probable cause for the emergency order. The 3095

hearing shall be held before the end of the next business day 3096
after the day on which the emergency order is issued, except 3097
that it shall not be held later than seventy-two hours after the 3098
emergency order is issued. 3099

If the court determines at the hearing that there is not 3100
probable cause for the issuance of the emergency order issued 3101
pursuant to division (D) of this section, it shall order the 3102
child released to the custody of the child's parents, guardian, 3103
or custodian. If the court determines at the hearing that there 3104
is probable cause for the issuance of the emergency order issued 3105
pursuant to division (D) of this section, the court shall do all 3106
of the following: 3107

(1) Ensure that a complaint is filed or has been filed; 3108

(2) Comply with section 2151.419 of the Revised Code; 3109

(3) Hold a hearing pursuant to section 2151.314 of the 3110
Revised Code to determine if the child should remain in shelter 3111
care. 3112

(F) If the court determines at the hearing held pursuant 3113
to division (E) of this section that there is probable cause to 3114
believe that the child is an abused child, ~~as defined in~~ 3115
~~division (A) of section 2151.031 of the Revised Code,~~ the court 3116
may do any of the following: 3117

(1) Upon the motion of any party, the guardian ad litem, 3118
the prosecuting attorney, or an employee of the public children 3119
services agency, or its own motion, issue reasonable protective 3120
orders with respect to the interviewing or deposition of the 3121
child; 3122

(2) Order that the child's testimony be videotaped for 3123
preservation of the testimony for possible use in any other 3124

proceedings in the case; 3125

(3) Set any additional conditions with respect to the 3126
child or the case involving the child that are in the best 3127
interest of the child. 3128

(G) This section is not intended, and shall not be 3129
construed, to prevent any person from taking a child into 3130
custody, if taking the child into custody is necessary in an 3131
emergency to prevent the physical injury, emotional harm, or 3132
neglect of the child. 3133

Sec. 2151.312. (A) A child alleged to be or adjudicated an 3134
unruly child may be held only in the following places: 3135

(1) A certified family foster home or a home approved by 3136
the court; 3137

(2) A facility operated by a certified child welfare 3138
agency; 3139

(3) Any other suitable place designated by the court. 3140

(B) (1) Except as provided under division (C) (1) of section 3141
2151.311 of the Revised Code, a child alleged to be or 3142
adjudicated a ~~neglected child, an abused child, a dependent-~~ 3143
child, in need of protective services or an unruly child may not 3144
be held in any of the following facilities: 3145

(a) A state correctional institution, county, multicounty, 3146
or municipal jail or workhouse, or other place in which an adult 3147
convicted of a crime, under arrest, or charged with a crime is 3148
held; 3149

(b) A secure correctional facility. 3150

(2) Except as provided under sections 2151.27 to 2151.59 3151

of the Revised Code and division (B) (3) of this section and 3152
except when a case is transferred under section 2152.12 of the 3153
Revised Code, a child alleged to be or adjudicated an unruly 3154
child may not be held for more than twenty-four hours in a 3155
detention facility. A child alleged to be or adjudicated a 3156
~~neglected child, an abused child,~~ in need of protective services 3157
~~or a dependent child~~ shall not be held in a detention facility. 3158

(3) A child who is alleged to be or adjudicated an unruly 3159
child and who is taken into custody on a Saturday, Sunday, or 3160
legal holiday, as listed in section 1.14 of the Revised Code, 3161
may be held in a detention facility until the next succeeding 3162
day that is not a Saturday, Sunday, or legal holiday. 3163

Sec. 2151.314. (A) When a child is brought before the 3164
court or delivered to a place of detention or shelter care 3165
designated by the court, the intake or other authorized officer 3166
of the court shall immediately make an investigation and shall 3167
release the child unless it appears that the child's detention 3168
or shelter care is warranted or required under section 2151.31 3169
of the Revised Code. 3170

If the child is not so released, a complaint under section 3171
2151.27 or 2152.021 or an information under section 2152.13 of 3172
the Revised Code shall be filed or an indictment under division 3173
(B) of section 2152.13 of the Revised Code shall be sought and 3174
an informal detention or shelter care hearing held promptly, not 3175
later than seventy-two hours after the child is placed in 3176
detention or shelter care, to determine whether detention or 3177
shelter care is required. Reasonable oral or written notice of 3178
the time, place, and purpose of the detention or shelter care 3179
hearing shall be given to the child and, if they can be found, 3180
to the child's parents, guardian, or custodian. In cases in 3181

which the complaint alleges a child to be ~~an abused, neglected,~~ 3182
~~or dependent~~ a child in need of protective services, the notice 3183
given the parents, guardian, or custodian shall inform them that 3184
a case plan may be prepared for the child, the general 3185
requirements usually contained in case plans, and the possible 3186
consequences of the failure to comply with a journalized case 3187
plan. 3188

Prior to the hearing, the court shall inform the parties 3189
of their right to counsel and to appointed counsel or to the 3190
services of the county public defender or joint county public 3191
defender, if they are indigent, of the child's right to remain 3192
silent with respect to any allegation of delinquency, and of the 3193
name and telephone number of a court employee who can be 3194
contacted during the normal business hours of the court to 3195
arrange for the prompt appointment of counsel for any party who 3196
is indigent. Unless it appears from the hearing that the child's 3197
detention or shelter care is required under the provisions of 3198
section 2151.31 of the Revised Code, the court shall order the 3199
child's release as provided by section 2151.311 of the Revised 3200
Code. If a parent, guardian, or custodian has not been so 3201
notified and did not appear or waive appearance at the hearing, 3202
upon the filing of an affidavit stating these facts, the court 3203
shall rehear the matter without unnecessary delay. 3204

(B) When the court conducts a hearing pursuant to division 3205
(A) of this section, all of the following apply: 3206

(1) The court shall determine whether an alleged ~~abused,~~ 3207
~~neglected, or dependent~~ child in need of protective services 3208
should remain or be placed in shelter care; 3209

(2) The court shall determine whether there are any 3210
relatives of the child who are willing to be temporary 3211

custodians of the child. If any relative is willing to be a 3212
temporary custodian, the child would otherwise be placed or 3213
retained in shelter care, and the appointment is appropriate, 3214
the court shall appoint the relative as temporary custodian of 3215
the child, unless the court appoints another relative as 3216
temporary custodian. If it determines that the appointment of a 3217
relative as custodian would not be appropriate, it shall issue a 3218
written opinion setting forth the reasons for its determination 3219
and give a copy of the opinion to all parties and to the 3220
guardian ad litem of the child. 3221

The court's consideration of a relative for appointment as 3222
a temporary custodian does not make that relative a party to the 3223
proceedings. 3224

(3) The court shall comply with section 2151.419 of the 3225
Revised Code. 3226

(C) If a child is in shelter care following the filing of 3227
a complaint pursuant to section 2151.27 or 2152.021 of the 3228
Revised Code, the filing of an information, or the obtaining of 3229
an indictment or following a hearing held pursuant to division 3230
(A) of this section, any party, including the public children 3231
services agency, and the guardian ad litem of the child may file 3232
a motion with the court requesting that the child be released 3233
from shelter care. The motion shall state the reasons why the 3234
child should be released from shelter care and, if a hearing has 3235
been held pursuant to division (A) of this section, any changes 3236
in the situation of the child or the parents, guardian, or 3237
custodian of the child that have occurred since that hearing and 3238
that justify the release of the child from shelter care. Upon 3239
the filing of the motion, the court shall hold a hearing in the 3240
same manner as under division (A) of this section. 3241

(D) Each juvenile court shall designate at least one court 3242
employee to assist persons who are indigent in obtaining 3243
appointed counsel. The court shall include in each notice given 3244
pursuant to division (A) or (C) of this section and in each 3245
summons served upon a party pursuant to this chapter, the name 3246
and telephone number at which each designated employee can be 3247
contacted during the normal business hours of the court to 3248
arrange for prompt appointment of counsel for indigent persons. 3249

Sec. 2151.315. (A) As used in this section: 3250

(1) "Age-appropriate" means activities or items that are 3251
generally accepted as suitable for children of the same 3252
chronological age or level of maturity. Age appropriateness is 3253
based on the development of cognitive, emotional, physical, and 3254
behavioral capacity that is typical for an age or age group. 3255

(2) "Resource caregiver" has the same meaning as in 3256
section 5103.02 of the Revised Code. 3257

(B) A child who is placed with a resource caregiver or who 3258
is subject to out-of-home care for alleged or adjudicated 3259
~~abused, neglected, or dependent~~ children in need of protective 3260
services is entitled to participate in age-appropriate 3261
extracurricular, enrichment, and social activities. 3262

(C) A resource caregiver or a person or facility that is 3263
providing out-of-home care for an alleged or adjudicated ~~abused,~~ 3264
~~neglected, or dependent~~ child in need of protective services 3265
shall consider all of the following when determining whether to 3266
give permission for that child to participate in 3267
extracurricular, enrichment, or social activities: 3268

(1) The child's age, maturity, and developmental level to 3269
maintain the overall health and safety of the child; 3270

(2) The potential risk factors and the appropriateness of the extracurricular, enrichment, or social activity;	3271 3272
(3) The best interest of the child based on information known by the resource caregiver or a person or facility providing out-of-home care for the child;	3273 3274 3275
(4) The importance of encouraging the child's emotional and developmental growth;	3276 3277
(5) The importance of providing the child with the most family-like living experience possible;	3278 3279
(6) The behavioral history of the child and the child's ability to safely participate in the extracurricular, enrichment, or social activity.	3280 3281 3282
(D) A resource caregiver or person or facility that provides out-of-home care to an alleged or adjudicated abused, neglected, or dependent child <u>in need of protective services</u> shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property caused to the child who participates in an extracurricular, enrichment, or social activity approved by the resource caregiver, person, or facility provided that the resource caregiver, person, or facility considered the factors described in division (C) of this section.	3283 3284 3285 3286 3287 3288 3289 3290 3291 3292
Sec. 2151.33. (A) Pending hearing of a complaint filed under section 2151.27 of the Revised Code or a motion filed or made under division (B) of this section and the service of citations, the juvenile court may make any temporary disposition of any child that it considers necessary to protect the best interest of the child and that can be made pursuant to division (B) of this section. Upon the certificate of one or more	3293 3294 3295 3296 3297 3298 3299

reputable practicing physicians, the court may summarily provide 3300
for emergency medical and surgical treatment that appears to be 3301
immediately necessary to preserve the health and well-being of 3302
any child concerning whom a complaint or an application for care 3303
has been filed, pending the service of a citation upon the 3304
child's parents, guardian, or custodian. The court may order the 3305
parents, guardian, or custodian, if the court finds the parents, 3306
guardian, or custodian able to do so, to reimburse the court for 3307
the expense involved in providing the emergency medical or 3308
surgical treatment. Any person who disobeys the order for 3309
reimbursement may be adjudged in contempt of court and punished 3310
accordingly. 3311

If the emergency medical or surgical treatment is 3312
furnished to a child who is found at the hearing to be a 3313
nonresident of the county in which the court is located and if 3314
the expense of the medical or surgical treatment cannot be 3315
recovered from the parents, legal guardian, or custodian of the 3316
child, the board of county commissioners of the county in which 3317
the child has a legal settlement shall reimburse the court for 3318
the reasonable cost of the emergency medical or surgical 3319
treatment out of its general fund. 3320

(B) (1) After a complaint, petition, writ, or other 3321
document initiating a case dealing with an alleged or 3322
adjudicated ~~abused, neglected, or dependent~~ child in need of 3323
protective services is filed and upon the filing or making of a 3324
motion pursuant to division (C) of this section, the court, 3325
prior to the final disposition of the case, may issue any of the 3326
following temporary orders to protect the best interest of the 3327
child: 3328

(a) An order granting temporary custody of the child to a 3329

particular party;	3330
(b) An order for the taking of the child into custody pursuant to section 2151.31 of the Revised Code pending the outcome of the adjudicatory and dispositional hearings;	3331 3332 3333
(c) An order granting, limiting, or eliminating parenting time or visitation rights with respect to the child;	3334 3335
(d) An order requiring a party to vacate a residence that will be lawfully occupied by the child;	3336 3337
(e) An order requiring a party to attend an appropriate counseling program that is reasonably available to that party;	3338 3339
(f) Any other order that restrains or otherwise controls the conduct of any party which conduct would not be in the best interest of the child.	3340 3341 3342
(2) Prior to the final disposition of a case subject to division (B)(1) of this section, the court shall do both of the following:	3343 3344 3345
(a) Issue an order pursuant to Chapters 3119. to 3125. of the Revised Code requiring the parents, guardian, or person charged with the child's support to pay support for the child.	3346 3347 3348
(b) Issue an order requiring the parents, guardian, or person charged with the child's support to continue to maintain any health insurance coverage for the child that existed at the time of the filing of the complaint, petition, writ, or other document, or to obtain health insurance coverage in accordance with sections 3119.29 to 3119.56 of the Revised Code.	3349 3350 3351 3352 3353 3354
(C) (1) A court may issue an order pursuant to division (B) of this section upon its own motion or if a party files a written motion or makes an oral motion requesting the issuance	3355 3356 3357

of the order and stating the reasons for it. Any notice sent by 3358
the court as a result of a motion pursuant to this division 3359
shall contain a notice that any party to a juvenile proceeding 3360
has the right to be represented by counsel and to have appointed 3361
counsel if the person is indigent. 3362

(2) If a child is taken into custody pursuant to section 3363
2151.31 of the Revised Code and placed in shelter care, the 3364
public children services agency or private child placing agency 3365
with which the child is placed in shelter care shall file or 3366
make a motion as described in division (C)(1) of this section 3367
before the end of the next day immediately after the date on 3368
which the child was taken into custody and, at a minimum, shall 3369
request an order for temporary custody under division (B)(1)(a) 3370
of this section. 3371

(3) A court that issues an order pursuant to division (B) 3372
(1)(b) of this section shall comply with section 2151.419 of the 3373
Revised Code. 3374

(D) The court may grant an ex parte order upon its own 3375
motion or a motion filed or made pursuant to division (C) of 3376
this section requesting such an order if it appears to the court 3377
that the best interest and the welfare of the child require that 3378
the court issue the order immediately. The court, if acting on 3379
its own motion, or the person requesting the granting of an ex 3380
parte order, to the extent possible, shall give notice of its 3381
intent or of the request to the parents, guardian, or custodian 3382
of the child who is the subject of the request. If the court 3383
issues an ex parte order, the court shall hold a hearing to 3384
review the order within seventy-two hours after it is issued or 3385
before the end of the next day after the day on which it is 3386
issued, whichever occurs first. The court shall give written 3387

notice of the hearing to all parties to the action and shall 3388
appoint a guardian ad litem for the child prior to the hearing. 3389

The written notice shall be given by all means that are 3390
reasonably likely to result in the party receiving actual notice 3391
and shall include all of the following: 3392

(1) The date, time, and location of the hearing; 3393

(2) The issues to be addressed at the hearing; 3394

(3) A statement that every party to the hearing has a 3395
right to counsel and to court-appointed counsel, if the party is 3396
indigent; 3397

(4) The name, telephone number, and address of the person 3398
requesting the order; 3399

(5) A copy of the order, except when it is not possible to 3400
obtain it because of the exigent circumstances in the case. 3401

If the court does not grant an ex parte order pursuant to 3402
a motion filed or made pursuant to division (C) of this section 3403
or its own motion, the court shall hold a shelter care hearing 3404
on the motion within ten days after the motion is filed. The 3405
court shall give notice of the hearing to all affected parties 3406
in the same manner as set forth in the Juvenile Rules. 3407

(E) The court, pending the outcome of the adjudicatory and 3408
dispositional hearings, shall not issue an order granting 3409
temporary custody of a child to a public children services 3410
agency or private child placing agency pursuant to this section, 3411
unless the court determines and specifically states in the order 3412
that the continued residence of the child in the child's current 3413
home will be contrary to the child's best interest and welfare 3414
and the court complies with section 2151.419 of the Revised 3415

Code. 3416

(F) Each public children services agency and private child 3417
placing agency that receives temporary custody of a child 3418
pursuant to this section shall exercise due diligence to 3419
identify and provide notice to all adult grandparents and other 3420
adult relatives of the child, including any adult relatives 3421
suggested by the parents, within thirty days of the child's 3422
removal from the custody of the child's parents, in accordance 3423
with 42 U.S.C. 671(a)(29). The agency shall also maintain in the 3424
child's case record written documentation that it has placed the 3425
child, to the extent that it is consistent with the best 3426
interest, welfare, and special needs of the child, in the most 3427
family-like setting available and in close proximity to the home 3428
of the parents, custodian, or guardian of the child. 3429

(G) For good cause shown, any court order that is issued 3430
pursuant to this section may be reviewed by the court at any 3431
time upon motion of any party to the action or upon the motion 3432
of the court. 3433

(H) (1) Pending the hearing of a complaint filed under 3434
section 2151.27 of the Revised Code or a motion filed or made 3435
under division (B) of this section and the service of citations, 3436
a public children services agency may request that the 3437
superintendent of the bureau of criminal identification and 3438
investigation conduct a criminal records check with respect to 3439
each parent, guardian, custodian, prospective custodian, or 3440
prospective placement whose actions resulted in a temporary 3441
disposition under division (A) of this section. The public 3442
children services agency may request that the superintendent 3443
obtain information from the federal bureau of investigation as 3444
part of the criminal records check of each parent, guardian, 3445

custodian, prospective custodian, or prospective placement. 3446

(2) Each public children services agency authorized by 3447
division (H) of this section to request a criminal records check 3448
shall do both of the following: 3449

(a) Provide to each parent, guardian, custodian, 3450
prospective custodian, or prospective placement for whom a 3451
criminal records check is requested a copy of the form 3452
prescribed pursuant to division (C) (1) of section 109.572 of the 3453
Revised Code and a standard fingerprint impression sheet 3454
prescribed pursuant to division (C) (2) of that section and 3455
obtain the completed form and impression sheet from the parent, 3456
guardian, custodian, prospective custodian, or prospective 3457
placement; 3458

(b) Forward the completed form and impression sheet to the 3459
superintendent of the bureau of criminal identification and 3460
investigation. 3461

(3) A parent, guardian, custodian, prospective custodian, 3462
or prospective placement who is given a form and fingerprint 3463
impression sheet under division (H) (2) (a) of this section and 3464
who fails to complete the form or provide fingerprint 3465
impressions may be held in contempt of court. 3466

Sec. 2151.331. A child alleged to be or adjudicated ~~an-~~ 3467
~~abused, neglected, dependent, a child in need of protective~~ 3468
services or unruly child or a juvenile traffic offender may be 3469
detained after a complaint is filed in a certified foster home 3470
for a period not exceeding sixty days or until the final 3471
disposition of the case, whichever comes first. The court also 3472
may arrange with a public children services agency or private 3473
child placing agency to receive, or with a private noncustodial 3474

agency for temporary care of, the child within the jurisdiction 3475
of the court. A child alleged to be or adjudicated an unruly 3476
child also may be assigned to an alternative diversion program 3477
established by the court for a period not exceeding sixty days 3478
after a complaint is filed or until final disposition of the 3479
case, whichever comes first. 3480

If the court arranges for the board of a child temporarily 3481
detained in a certified foster home or arranges for the board of 3482
a child through a private child placing agency, the board of 3483
county commissioners shall pay a reasonable sum, which the court 3484
shall fix, for the board of the child. In order to have 3485
certified foster homes available for service, an agreed monthly 3486
subsidy may be paid in addition to a fixed rate per day for care 3487
of a child actually residing in the certified foster home. 3488

Sec. 2151.35. (A) (1) Except as otherwise provided by 3489
division (A) (3) of this section or in section 2152.13 of the 3490
Revised Code, the juvenile court may conduct its hearings in an 3491
informal manner and may adjourn its hearings from time to time. 3492
The court may exclude the general public from its hearings in a 3493
particular case if the court holds a separate hearing to 3494
determine whether that exclusion is appropriate. If the court 3495
decides that exclusion of the general public is appropriate, the 3496
court still may admit to a particular hearing or all of the 3497
hearings relating to a particular case those persons who have a 3498
direct interest in the case and those who demonstrate that their 3499
need for access outweighs the interest in keeping the hearing 3500
closed. 3501

Except cases involving children who are alleged to be 3502
unruly children for being habitual truants or alleged to be 3503
delinquent children for violating court orders regarding their 3504

prior adjudication as unruly children for being habitual 3505
truants, and except as otherwise provided in section 2152.13 of 3506
the Revised Code, all cases involving children shall be heard 3507
separately and apart from the trial of cases against adults. The 3508
court may excuse the attendance of the child at the hearing in 3509
cases involving ~~abused, neglected, or dependent~~ children in need
of protective services. The court shall hear and determine all 3511
cases of children without a jury, except cases involving serious 3512
youthful offenders under section 2152.13 of the Revised Code. 3513

If a complaint alleges a child to be a delinquent child, 3514
unruly child, or juvenile traffic offender, the court shall 3515
require the parent, guardian, or custodian of the child to 3516
attend all proceedings of the court regarding the child. If a 3517
parent, guardian, or custodian fails to so attend, the court may 3518
find the parent, guardian, or custodian in contempt. 3519

If the court finds from clear and convincing evidence that 3520
the child violated section 2151.87 of the Revised Code, the 3521
court shall proceed in accordance with divisions (F) and (G) of 3522
that section. 3523

If the court at the adjudicatory hearing finds from clear 3524
and convincing evidence that the child is ~~an abused, neglected,~~
~~or dependent~~ a child in need of protective services, the court 3525
shall proceed, in accordance with division (B) of this section, 3526
to hold a dispositional hearing and hear the evidence as to the 3527
proper disposition to be made under section 2151.353 of the 3528
Revised Code. If the court at the adjudicatory hearing finds 3529
beyond a reasonable doubt that the child is a delinquent or 3530
unruly child or a juvenile traffic offender, the court shall 3531
proceed immediately, or at a postponed hearing, to hear the 3532
evidence as to the proper disposition to be made under section 3533
evidence as to the proper disposition to be made under section 3534

2151.354 or Chapter 2152. of the Revised Code. If the court at 3535
the adjudicatory hearing finds beyond a reasonable doubt that 3536
the child is an unruly child for being an habitual truant, or 3537
that the child is an unruly child for being an habitual truant 3538
and that the parent, guardian, or other person having care of 3539
the child has failed to cause the child's attendance at school 3540
in violation of section 3321.38 of the Revised Code, the court 3541
shall proceed to hold a hearing to hear the evidence as to the 3542
proper disposition to be made in regard to the child under 3543
division (C) (1) of section 2151.354 of the Revised Code and the 3544
proper action to take in regard to the parent, guardian, or 3545
other person having care of the child under division (C) (2) of 3546
section 2151.354 of the Revised Code. If the court at the 3547
adjudicatory hearing finds beyond a reasonable doubt that the 3548
child is a delinquent child for violating a court order 3549
regarding the child's prior adjudication as an unruly child for 3550
being an habitual truant, and the parent, guardian, or other 3551
person having care of the child has failed to cause the child's 3552
attendance at school in violation of section 3321.38 of the 3553
Revised Code, the court shall proceed to hold a hearing to hear 3554
the evidence as to the proper disposition to be made in regard 3555
to the child under division (A) (7) (a) of section 2152.19 of the 3556
Revised Code and the proper action to take in regard to the 3557
parent, guardian, or other person having care of the child under 3558
division (A) (7) (b) of section 2152.19 of the Revised Code. 3559

If the court does not find the child to have violated 3560
section 2151.87 of the Revised Code or to be ~~an abused,~~ 3561
~~neglected, dependent,~~ a child in need of protective services, a 3562
~~delinquent,~~ or unruly child, or a juvenile traffic offender, it 3563
shall order that the case be dismissed and that the child be 3564
discharged from any detention or restriction theretofore 3565

ordered. 3566

(2) A record of all testimony and other oral proceedings 3567
in juvenile court shall be made in all proceedings that are held 3568
pursuant to section 2151.414 of the Revised Code or in which an 3569
order of disposition may be made pursuant to division (A) (4) of 3570
section 2151.353 of the Revised Code, and shall be made upon 3571
request in any other proceedings. The record shall be made as 3572
provided in section 2301.20 of the Revised Code. 3573

(3) The authority of a juvenile court to exclude the 3574
general public from its hearings that is provided by division 3575
(A) (1) of this section does not limit or affect any right of a 3576
victim of a crime or delinquent act, or of a victim's 3577
representative, under Chapter 2930. of the Revised Code. 3578

(B) (1) If the court at an adjudicatory hearing determines 3579
that a child is ~~an abused, neglected, or dependent~~ a child in 3580
need of protective services, the court shall not issue a 3581
dispositional order until after the court holds a separate 3582
dispositional hearing. The court may hold the dispositional 3583
hearing for an adjudicated ~~abused, neglected, or dependent~~ child 3584
in need of protective services immediately after the 3585
adjudicatory hearing if all parties were served prior to the 3586
adjudicatory hearing with all documents required for the 3587
dispositional hearing. The dispositional hearing may not be held 3588
more than thirty days after the adjudicatory hearing is held. 3589
The dispositional hearing shall not be held more than ninety 3590
days after the date on which the complaint in the case was filed 3591
except that, for good cause shown, the court, on its own motion 3592
or on the motion of any party or the child's guardian ad litem, 3593
may continue the dispositional hearing for a reasonable period 3594
of time beyond the ninety-day deadline. This extension beyond 3595

the ninety-day deadline shall not exceed forty-five days and 3596
shall not be available for any case in which the complaint was 3597
dismissed and subsequently refiled. 3598

If the dispositional hearing is not held within the period 3599
of time required by this division, the court, on its own motion 3600
or the motion of any party or the guardian ad litem of the 3601
child, shall dismiss the complaint without prejudice. 3602

(2) The dispositional hearing shall be conducted in 3603
accordance with all of the following: 3604

(a) The judge or referee who presided at the adjudicatory 3605
hearing shall preside, if possible, at the dispositional 3606
hearing; 3607

(b) The court may admit any evidence that is material and 3608
relevant, including, but not limited to, hearsay, opinion, and 3609
documentary evidence; 3610

(c) Medical examiners and each investigator who prepared a 3611
social history shall not be cross-examined, except upon consent 3612
of the parties, for good cause shown, or as the court in its 3613
discretion may direct. Any party may offer evidence 3614
supplementing, explaining, or disputing any information 3615
contained in the social history or other reports that may be 3616
used by the court in determining disposition. 3617

(3) After the conclusion of the dispositional hearing, the 3618
court shall enter an appropriate judgment within seven days and 3619
shall schedule the date for the hearing to be held pursuant to 3620
section 2151.415 of the Revised Code. The court may make any 3621
order of disposition that is set forth in section 2151.353 of 3622
the Revised Code. A copy of the judgment shall be given to each 3623
party and to the child's guardian ad litem. If the judgment is 3624

conditional, the order shall state the conditions of the 3625
judgment. If the child is not returned to the child's own home, 3626
the court shall determine which school district shall bear the 3627
cost of the child's education and shall comply with section 3628
2151.36 of the Revised Code. 3629

(4) As part of its dispositional order, the court may 3630
issue any order described in division (B) of section 2151.33 of 3631
the Revised Code. 3632

(C) The court shall give all parties to the action and the 3633
child's guardian ad litem notice of the adjudicatory and 3634
dispositional hearings in accordance with the Juvenile Rules. 3635

(D) If the court issues an order pursuant to division (A) 3636
(4) of section 2151.353 of the Revised Code committing a child 3637
to the permanent custody of a public children services agency or 3638
a private child placing agency, the parents of the child whose 3639
parental rights were terminated cease to be parties to the 3640
action upon the issuance of the order. This division is not 3641
intended to eliminate or restrict any right of the parents to 3642
appeal the permanent custody order issued pursuant to division 3643
(A) (4) of section 2151.353 of the Revised Code. 3644

(E) Each juvenile court shall schedule its hearings in 3645
accordance with the time requirements of this chapter. 3646

(F) In cases regarding ~~abused, neglected, or dependent~~ 3647
~~children~~ a child in need of protective services, the court may 3648
admit any statement of a child that the court determines to be 3649
excluded by the hearsay rule if the proponent of the statement 3650
informs the adverse party of the proponent's intention to offer 3651
the statement and of the particulars of the statement, including 3652
the name of the declarant, sufficiently in advance of the 3653

hearing to provide the party with a fair opportunity to prepare 3654
to challenge, respond to, or defend against the statement, and 3655
the court determines all of the following: 3656

(1) The statement has circumstantial guarantees of 3657
trustworthiness; 3658

(2) The statement is offered as evidence of a material 3659
fact; 3660

(3) The statement is more probative on the point for which 3661
it is offered than any other evidence that the proponent can 3662
procure through reasonable efforts; 3663

(4) The general purposes of the evidence rules and the 3664
interests of justice will best be served by the admission of the 3665
statement into evidence. 3666

(G) If a child is alleged to be ~~an abused~~ a child in need 3667
of protective services, the court may order that the testimony 3668
of the child be taken by deposition. On motion of the 3669
prosecuting attorney, guardian ad litem, or any party, or in its 3670
own discretion, the court may order that the deposition be 3671
videotaped. Any deposition taken under this division shall be 3672
taken with a judge or referee present. 3673

If a deposition taken under this division is intended to 3674
be offered as evidence at the hearing, it shall be filed with 3675
the court. Part or all of the deposition is admissible in 3676
evidence if counsel for all parties had an opportunity and 3677
similar motive at the time of the taking of the deposition to 3678
develop the testimony by direct, cross, or redirect examination 3679
and the judge determines that there is reasonable cause to 3680
believe that if the child were to testify in person at the 3681
hearing, the child would experience emotional trauma as a result 3682

of participating at the hearing. 3683

Sec. 2151.353. (A) If a child is adjudicated ~~an abused,~~ 3684
~~neglected, or dependent~~ a child in need of protective services, 3685
the court may make any of the following orders of disposition: 3686

(1) Place the child in protective supervision; 3687

(2) Commit the child to the temporary custody of any of 3688
the following: 3689

(a) A public children services agency; 3690

(b) A private child placing agency; 3691

(c) Either parent; 3692

(d) A relative residing within or outside the state; 3693

(e) A probation officer for placement in a certified 3694
foster home; 3695

(f) Any other person approved by the court. 3696

(3) Award legal custody of the child to either parent or 3697
to any other person who, prior to the dispositional hearing, 3698
files a motion requesting legal custody of the child or is 3699
identified as a proposed legal custodian in a complaint or 3700
motion filed prior to the dispositional hearing by any party to 3701
the proceedings. A person identified in a complaint or motion 3702
filed by a party to the proceedings as a proposed legal 3703
custodian shall be awarded legal custody of the child only if 3704
the person identified signs a statement of understanding for 3705
legal custody that contains at least the following provisions: 3706

(a) That it is the intent of the person to become the 3707
legal custodian of the child and the person is able to assume 3708
legal responsibility for the care and supervision of the child; 3709

(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is excused from such an education under standards adopted by the department of education and workforce, whichever occurs first.

(c) That the parents of the child have residual parental rights, privileges, and responsibilities, including, but not limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support;

(d) That the person understands that the person must be present in court for the dispositional hearing in order to affirm the person's intention to become legal custodian, to affirm that the person understands the effect of the custodianship before the court, and to answer any questions that the court or any parties to the case may have.

(4) Commit the child to the permanent custody of a public children services agency or private child placing agency, if the court determines in accordance with division (E) of section

2151.414 of the Revised Code that the child cannot be placed 3740
with one of the child's parents within a reasonable time or 3741
should not be placed with either parent and determines in 3742
accordance with division (D) (1) of section 2151.414 of the 3743
Revised Code that the permanent commitment is in the best 3744
interest of the child. If the court grants permanent custody 3745
under this division, the court, upon the request of any party, 3746
shall file a written opinion setting forth its findings of fact 3747
and conclusions of law in relation to the proceeding. 3748

(5) Place the child in a planned permanent living 3749
arrangement with a public children services agency or private 3750
child placing agency, if a public children services agency or 3751
private child placing agency requests the court to place the 3752
child in a planned permanent living arrangement and if the court 3753
finds, by clear and convincing evidence, that a planned 3754
permanent living arrangement is in the best interest of the 3755
child, that the child is sixteen years of age or older, and that 3756
one of the following exists: 3757

(a) The child, because of physical, mental, or 3758
psychological problems or needs, is unable to function in a 3759
family-like setting and must remain in residential or 3760
institutional care now and for the foreseeable future beyond the 3761
date of the dispositional hearing held pursuant to section 3762
2151.35 of the Revised Code. 3763

(b) The parents of the child have significant physical, 3764
mental, or psychological problems and are unable to care for the 3765
child because of those problems, adoption is not in the best 3766
interest of the child, as determined in accordance with division 3767
(D) (1) of section 2151.414 of the Revised Code, and the child 3768
retains a significant and positive relationship with a parent or 3769

relative. 3770

(c) The child has been counseled on the permanent 3771
placement options available to the child, and is unwilling to 3772
accept or unable to adapt to a permanent placement. 3773

(6) Order the removal from the child's home until further 3774
order of the court of the person who committed abuse ~~as~~ 3775
~~described in section 2151.031 of the Revised Code against the~~ 3776
~~child,~~ who caused or allowed the child to suffer neglect ~~as~~ 3777
~~described in section 2151.03 of the Revised Code,~~ or who is the 3778
parent, guardian, or custodian of a child who is adjudicated a 3779
~~dependent child~~ in need of protective services and order any 3780
person not to have contact with the child or the child's 3781
siblings. 3782

(B) (1) When making a determination on whether to place a 3783
child in a planned permanent living arrangement pursuant to 3784
division (A) (5) (b) or (c) of this section, the court shall 3785
consider all relevant information that has been presented to the 3786
court, including information gathered from the child, the 3787
child's guardian ad litem, and the public children services 3788
agency or private child placing agency. 3789

(2) A child who is placed in a planned permanent living 3790
arrangement pursuant to division (A) (5) (b) or (c) of this 3791
section shall be placed in an independent living setting or in a 3792
family setting in which the caregiver has been provided by the 3793
agency that has custody of the child with a notice that 3794
addresses the following: 3795

(a) The caregiver understands that the planned permanent 3796
living arrangement is intended to be permanent in nature and 3797
that the caregiver will provide a stable placement for the child 3798

through the child's emancipation or until the court releases the 3799
child from the custody of the agency, whichever occurs first. 3800

(b) The caregiver is expected to actively participate in 3801
the youth's independent living case plan, attend agency team 3802
meetings and court hearings as appropriate, complete training, 3803
as developed and implemented under section 5103.035 of the 3804
Revised Code, related to providing the child independent living 3805
services, and assist in the child's transition into adulthood. 3806

(3) The department of job and family services shall 3807
develop a model notice to be provided by an agency that has 3808
custody of a child to a caregiver under division (B) (2) of this 3809
section. The agency may modify the model notice to apply to the 3810
needs of the agency. 3811

(C) No order for permanent custody or temporary custody of 3812
a child or the placement of a child in a planned permanent 3813
living arrangement shall be made pursuant to this section unless 3814
the complaint alleging the ~~abuse, neglect, or dependency act or~~ 3815
situation causing a child to be a child in need of protective 3816
services contains a prayer requesting permanent custody, 3817
temporary custody, or the placement of the child in a planned 3818
permanent living arrangement as desired, the summons served on 3819
the parents of the child contains as is appropriate a full 3820
explanation that the granting of an order for permanent custody 3821
permanently divests them of their parental rights, a full 3822
explanation that an adjudication that the child is ~~an abused,~~ 3823
~~neglected, or dependent~~ a child in need of protective services 3824
may result in an order of temporary custody that will cause the 3825
removal of the child from their legal custody until the court 3826
terminates the order of temporary custody or permanently divests 3827
the parents of their parental rights, or a full explanation that 3828

the granting of an order for a planned permanent living 3829
arrangement will result in the removal of the child from their 3830
legal custody if any of the conditions listed in divisions (A) 3831
(5) (a) to (c) of this section are found to exist, and the 3832
summons served on the parents contains a full explanation of 3833
their right to be represented by counsel and to have counsel 3834
appointed pursuant to Chapter 120. of the Revised Code if they 3835
are indigent. 3836

If after making disposition as authorized by division (A) 3837
(2) of this section, a motion is filed that requests permanent 3838
custody of the child, the court may grant permanent custody of 3839
the child to the movant in accordance with section 2151.414 of 3840
the Revised Code. 3841

(D) If the court issues an order for protective 3842
supervision pursuant to division (A) (1) of this section, the 3843
court may place any reasonable restrictions upon the child, the 3844
child's parents, guardian, or custodian, or any other person, 3845
including, but not limited to, any of the following: 3846

(1) Order a party, within forty-eight hours after the 3847
issuance of the order, to vacate the child's home indefinitely 3848
or for a specified period of time; 3849

(2) Order a party, a parent of the child, or a physical 3850
custodian of the child to prevent any particular person from 3851
having contact with the child; 3852

(3) Issue an order restraining or otherwise controlling 3853
the conduct of any person which conduct would not be in the best 3854
interest of the child. 3855

(E) As part of its dispositional order, the court shall 3856
journalize a case plan for the child. The journalized case plan 3857

shall not be changed except as provided in section 2151.412 of 3858
the Revised Code. 3859

(F) (1) The court shall retain jurisdiction over any child 3860
for whom the court issues an order of disposition pursuant to 3861
division (A) of this section or pursuant to section 2151.414 or 3862
2151.415 of the Revised Code until the child attains the age of 3863
eighteen years if the child does not have a developmental 3864
disability or physical impairment, the child attains the age of 3865
twenty-one years if the child has a developmental disability or 3866
physical impairment, or the child is adopted and a final decree 3867
of adoption is issued, except that the court may retain 3868
jurisdiction over the child and continue any order of 3869
disposition under division (A) of this section or under section 3870
2151.414 or 2151.415 of the Revised Code for a specified period 3871
of time to enable the child to graduate from high school or 3872
vocational school. The court shall make an entry continuing its 3873
jurisdiction under this division in the journal. 3874

(2) Any public children services agency, any private child 3875
placing agency, the department of job and family services, or 3876
any party, other than any parent whose parental rights with 3877
respect to the child have been terminated pursuant to an order 3878
issued under division (A) (4) of this section, by filing a motion 3879
with the court, may at any time request the court to modify or 3880
terminate any order of disposition issued pursuant to division 3881
(A) of this section or section 2151.414 or 2151.415 of the 3882
Revised Code. The court shall hold a hearing upon the motion as 3883
if the hearing were the original dispositional hearing and shall 3884
give all parties to the action and the guardian ad litem notice 3885
of the hearing pursuant to the Juvenile Rules. If applicable, 3886
the court shall comply with section 2151.42 of the Revised Code. 3887

(G) Any temporary custody order issued pursuant to 3888
division (A) of this section shall terminate one year after the 3889
earlier of the date on which the complaint in the case was filed 3890
or the child was first placed into shelter care, except that, 3891
upon the filing of a motion pursuant to section 2151.415 of the 3892
Revised Code, the temporary custody order shall continue and not 3893
terminate until the court issues a dispositional order under 3894
that section. In resolving the motion, the court shall not order 3895
an existing temporary custody order to continue beyond two years 3896
after the date on which the complaint was filed or the child was 3897
first placed into shelter care, whichever date is earlier, 3898
regardless of whether any extensions have been previously 3899
ordered pursuant to division (D) of section 2151.415 of the 3900
Revised Code. 3901

(H) (1) No later than one year after the earlier of the 3902
date the complaint in the case was filed or the child was first 3903
placed in shelter care, a party may ask the court to extend an 3904
order for protective supervision for six months or to terminate 3905
the order. A party requesting extension or termination of the 3906
order shall file a written request for the extension or 3907
termination with the court and give notice of the proposed 3908
extension or termination in writing before the end of the day 3909
after the day of filing it to all parties and the child's 3910
guardian ad litem. If a public children services agency or 3911
private child placing agency requests termination of the order, 3912
the agency shall file a written status report setting out the 3913
facts supporting termination of the order at the time it files 3914
the request with the court. If no party requests extension or 3915
termination of the order, the court shall notify the parties 3916
that the court will extend the order for six months or terminate 3917
it and that it may do so without a hearing unless one of the 3918

parties requests a hearing. All parties and the guardian ad litem shall have seven days from the date a notice is sent pursuant to this division to object to and request a hearing on the proposed extension or termination.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall extend the order for six months.

(b) If it does not receive a timely request for a hearing, the court may extend the order for six months or terminate it without a hearing and shall journalize the order of extension or termination not later than fourteen days after receiving the request for extension or termination or after the date the court notifies the parties that it will extend or terminate the order. If the court does not extend or terminate the order, it shall schedule a hearing to be held no later than thirty days after the expiration of the applicable fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the child's guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall issue an order extending the order for protective supervision six months.

(2) If the court grants an extension of the order for protective supervision pursuant to division (H) (1) of this section, a party may, prior to termination of the extension, file with the court a request for an additional extension of six months or for termination of the order. The court and the parties shall comply with division (H) (1) of this section with respect to extending or terminating the order.

(3) If a court grants an extension pursuant to division (H) (2) of this section, the court shall terminate the order for protective supervision at the end of the extension.

(I) The court shall not issue a dispositional order pursuant to division (A) of this section that removes a child from the child's home unless the court complies with section 2151.419 of the Revised Code and includes in the dispositional order the findings of fact required by that section.

(J) If a motion or application for an order described in division (A) (6) of this section is made, the court shall not issue the order unless, prior to the issuance of the order, it provides to the person all of the following:

(1) Notice and a copy of the motion or application;

(2) The grounds for the motion or application;

(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;

(4) An opportunity to be represented by counsel at the hearing.

(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the

latest further action subsequent to the award, if the court 3978
awards legal custody of a child to either of the following: 3979

(1) A legal custodian who, at the time of the award of 3980
legal custody, resides in a county of this state other than the 3981
county in which the court is located; 3982

(2) A legal custodian who resides in the county in which 3983
the court is located at the time of the award of legal custody, 3984
but moves to a different county of this state prior to one year 3985
after the date of the award or, if the court takes any further 3986
action in the matter subsequent to the award, one year after the 3987
date of the latest further action subsequent to the award. 3988

The court in the county in which the legal custodian 3989
resides then shall have jurisdiction in the matter. 3990

Sec. 2151.359. (A) (1) In any proceeding in which a child 3991
has been adjudicated an unruly, ~~abused, neglected, or dependent~~ 3992
child or a child in need of protective services, on the 3993
application of a party, or on the court's own motion, the court 3994
may make an order restraining or otherwise controlling the 3995
conduct of any parent, guardian, or other custodian in the 3996
relationship of that individual to the child if the court finds 3997
that an order of that type is necessary to do either of the 3998
following: 3999

(a) Control any conduct or relationship that will be 4000
detrimental or harmful to the child. 4001

(b) Control any conduct or relationship that will tend to 4002
defeat the execution of the order of disposition made or to be 4003
made. 4004

(2) The court shall give due notice of the application or 4005
motion under division (A) of this section, the grounds for the 4006

application or motion, and an opportunity to be heard to the 4007
person against whom an order under this division is directed. 4008
The order may include a requirement that the child's parent, 4009
guardian, or other custodian enter into a recognizance with 4010
sufficient surety, conditioned upon the faithful discharge of 4011
any conditions or control required by the court. 4012

(B) The authority to make an order under division (A) of 4013
this section and any order made under that authority is in 4014
addition to the authority to make an order pursuant to division 4015
(C) (2) of section 2151.354 or division (A) (7) (b) of section 4016
2152.19 of the Revised Code and to any order made under either 4017
division. 4018

(C) A person's failure to comply with any order made by 4019
the court under this section is contempt of court under Chapter 4020
2705. of the Revised Code. 4021

Sec. 2151.3514. (A) As used in this section: 4022

(1) "Community addiction services provider" has the same 4023
meaning as in section 5119.01 of the Revised Code; 4024

(2) "Chemical dependency" means either of the following: 4025

(a) The chronic and habitual use of alcoholic beverages to 4026
the extent that the user no longer can control the use of 4027
alcohol or endangers the user's health, safety, or welfare or 4028
that of others; 4029

(b) The use of a drug of abuse to the extent that the user 4030
becomes physically or psychologically dependent on the drug or 4031
endangers the user's health, safety, or welfare or that of 4032
others. 4033

(3) "Drug of abuse" has the same meaning as in section 4034

3719.011 of the Revised Code. 4035

(B) If the juvenile court issues an order of temporary 4036
custody or protective supervision under division (A) of section 4037
2151.353 of the Revised Code with respect to a child adjudicated 4038
to be ~~an abused, neglected, or dependent~~ a child in need of 4039
protective services and the alcohol or other drug addiction of a 4040
parent or other caregiver of the child was the basis for the 4041
adjudication of ~~abuse, neglect, or dependency~~ the child being a 4042
child in need of protective services, the court shall issue an 4043
order requiring the parent or other caregiver to submit to an 4044
assessment and, if needed, treatment from a community addiction 4045
services provider. The court may order the parent or other 4046
caregiver to submit to alcohol or other drug testing during, 4047
after, or both during and after, the treatment. The court shall 4048
send any order issued pursuant to this division to the public 4049
children services agency that serves the county in which the 4050
court is located for use as described in section 340.15 of the 4051
Revised Code. 4052

(C) Any order requiring alcohol or other drug testing that 4053
is issued pursuant to division (B) of this section shall require 4054
one alcohol or other drug test to be conducted each month during 4055
a period of twelve consecutive months beginning the month 4056
immediately following the month in which the order for alcohol 4057
or other drug testing is issued. Arrangements for administering 4058
the alcohol or other drug tests, as well as funding the costs of 4059
the tests, shall be locally determined in accordance with 4060
sections 340.03 and 340.15 of the Revised Code. If a parent or 4061
other caregiver required to submit to alcohol or other drug 4062
tests under this section is not a recipient of medicaid, the 4063
agency that refers the parent or caregiver for the tests may 4064
require the parent or caregiver to reimburse the agency for the 4065

cost of conducting the tests. 4066

(D) The community addiction services provider that 4067
conducts any alcohol or other drug tests ordered in accordance 4068
with divisions (B) and (C) of this section shall send the 4069
results of the tests, along with the provider's recommendations 4070
as to the benefits of continued treatment, to the court and to 4071
the public children services agency providing services to the 4072
involved family, according to federal regulations set forth in 4073
42 C.F.R. Part 2, and division (B) of section 340.15 of the 4074
Revised Code. The court shall consider the results and the 4075
recommendations sent to it under this division in any 4076
adjudication or review by the court, according to section 4077
2151.353, 2151.414, or 2151.419 of the Revised Code. 4078

Sec. 2151.3522. If a juvenile court adjudicates a child a 4079
deserted child, the court shall commit the child to the 4080
temporary custody of a public children services agency or a 4081
private child placing agency. The court shall consider the order 4082
committing the child to the temporary custody of the agency to 4083
be an order of disposition issued under division (A)(2) of 4084
section 2151.353 of the Revised Code with respect to a child 4085
adjudicated a ~~neglected~~ child in need of protective services. 4086

Sec. 2151.3523. A court that issues an order pursuant to 4087
section 2151.3522 of the Revised Code shall treat the child who 4088
is the subject of the order the same as a child adjudicated a 4089
~~neglected~~ child in need of protective services when performing 4090
duties under Chapter 2151. of the Revised Code with respect to 4091
the child, except that there is a rebuttable presumption that it 4092
is not in the child's best interest to return the child to the 4093
natural parents. 4094

Sec. 2151.3524. A public children services agency or 4095

private child placing agency that receives temporary custody of 4096
a child adjudicated a deserted child shall prepare case plans, 4097
conduct investigations, conduct periodic administrative reviews 4098
of case plans, and provide services for the deserted child as if 4099
the child were adjudicated a ~~neglected~~ child in need of 4100
protective services and shall follow the same procedures under 4101
this chapter in performing those functions as if the deserted 4102
child was a ~~neglected~~ child in need of protective services. 4103

Sec. 2151.36. Except as provided in section 2151.361 of 4104
the Revised Code, when a child has been committed as provided by 4105
this chapter or Chapter 2152. of the Revised Code, the juvenile 4106
court shall issue an order pursuant to Chapters 3119., 3121., 4107
3123., and 3125. of the Revised Code requiring that the parent, 4108
guardian, or person charged with the child's support pay for the 4109
care, support, maintenance, and education of the child. The 4110
juvenile court shall order that the parents, guardian, or person 4111
pay for the expenses involved in providing orthopedic, medical, 4112
or surgical treatment for, or for special care of, the child, 4113
enter a judgment for the amount due, and enforce the judgment by 4114
execution as in the court of common pleas. 4115

Any expenses incurred for the care, support, maintenance, 4116
education, orthopedic, medical, or surgical treatment, and 4117
special care of a child who has a legal settlement in another 4118
county shall be at the expense of the county of legal settlement 4119
if the consent of the juvenile judge of the county of legal 4120
settlement is first obtained. When the consent is obtained, the 4121
board of county commissioners of the county in which the child 4122
has a legal settlement shall reimburse the committing court for 4123
the expenses out of its general fund. If the department of job 4124
and family services considers it to be in the best interest of 4125
any delinquent, ~~dependent, or unruly, abused, or neglected~~ child 4126

or child in need of protective services who has a legal 4127
settlement in a foreign state or country that the child be 4128
returned to the state or country of legal settlement, the 4129
juvenile court may commit the child to the department for the 4130
child's return to that state or country. 4131

Any expenses ordered by the court for the care, support, 4132
maintenance, education, orthopedic, medical, or surgical 4133
treatment, or special care of a ~~dependent, neglected, abused,~~ 4134
child in need of protective services or an unruly, or delinquent 4135
child or of a juvenile traffic offender under this chapter or 4136
Chapter 2152. of the Revised Code, except the part of the 4137
expense that may be paid by the state or federal government or 4138
paid by the parents, guardians, or person charged with the 4139
child's support pursuant to this section, shall be paid from the 4140
county treasury upon specifically itemized vouchers, certified 4141
to by the judge. The court shall not be responsible for any 4142
expenses resulting from the commitment of children to any home, 4143
public children services agency, private child placing agency, 4144
or other institution, association, or agency, unless the court 4145
authorized the expenses at the time of commitment. 4146

Sec. 2151.40. Every county, township, or municipal 4147
official or department, including the prosecuting attorney, 4148
shall render all assistance and co-operation within ~~his~~the 4149
official's or department's jurisdictional power which may 4150
further the objects of sections 2151.01 to 2151.54 of the 4151
Revised Code. All institutions or agencies to which the juvenile 4152
court sends any child shall give to the court or to any officer 4153
appointed by it such information concerning such child as said 4154
court or officer requires. The court may seek the co-operation 4155
of all societies or organizations having for their object the 4156
protection or aid of children. 4157

On the request of the judge, when the child is represented 4158
by an attorney, or when a trial is requested the prosecuting 4159
attorney shall assist the court in presenting the evidence at 4160
any hearing or proceeding concerning an alleged or adjudicated 4161
delinquent, or unruly, abused, neglected, or dependent child or 4162
a child in need of protective services or juvenile traffic 4163
offender. 4164

Sec. 2151.412. (A) Each public children services agency 4165
and private child placing agency shall prepare and maintain a 4166
case plan for any child to whom the agency is providing services 4167
and to whom any of the following applies: 4168

(1) The agency filed a complaint pursuant to section 4169
2151.27 of the Revised Code alleging that the child is ~~an~~ 4170
~~abused, neglected, or dependent~~ a child in need of protective 4171
services; 4172

(2) The agency has temporary or permanent custody of the 4173
child; 4174

(3) The child is living at home subject to an order for 4175
protective supervision; 4176

(4) The child is in a planned permanent living 4177
arrangement. 4178

Except as provided by division (A) (2) of section 5103.153 4179
of the Revised Code, a private child placing agency providing 4180
services to a child who is the subject of a voluntary permanent 4181
custody surrender agreement entered into under division (B) (2) 4182
of section 5103.15 of the Revised Code is not required to 4183
prepare and maintain a case plan for that child. 4184

(B) Each public children services agency shall prepare and 4185
maintain a case plan for any child for whom the agency is 4186

providing in-home services pursuant to an alternative response. 4187

(C) (1) The director of job and family services shall adopt 4188
rules pursuant to Chapter 119. of the Revised Code setting forth 4189
the content and format of case plans required by division (A) of 4190
this section and establishing procedures for developing, 4191
implementing, and changing the case plans. The rules shall at a 4192
minimum comply with the requirements of Title IV-E of the 4193
"Social Security Act," 42 U.S.C. 670, et seq. (1980). 4194

(2) The director of job and family services shall adopt 4195
rules pursuant to Chapter 119. of the Revised Code requiring 4196
public children services agencies and private child placing 4197
agencies to maintain case plans for children and their families 4198
who are receiving services in their homes from the agencies and 4199
for whom case plans are not required by division (A) of this 4200
section. The rules for public children services agencies shall 4201
include the requirements for case plans maintained for children 4202
and their families who are receiving services in their homes 4203
from public children services agencies pursuant to an 4204
alternative response. The agencies shall maintain case plans as 4205
required by those rules; however, the case plans shall not be 4206
subject to any other provision of this section except as 4207
specifically required by the rules. 4208

(D) Each public children services agency and private child 4209
placing agency that is required by division (A) of this section 4210
to maintain a case plan shall file the case plan with the court 4211
prior to the child's adjudicatory hearing but no later than 4212
thirty days after the earlier of the date on which the complaint 4213
in the case was filed or the child was first placed into shelter 4214
care. If the agency does not have sufficient information prior 4215
to the adjudicatory hearing to complete any part of the case 4216

plan, the agency shall specify in the case plan the additional 4217
information necessary to complete each part of the case plan and 4218
the steps that will be taken to obtain that information. All 4219
parts of the case plan shall be completed by the earlier of 4220
thirty days after the adjudicatory hearing or the date of the 4221
dispositional hearing for the child. 4222

(E) Any agency that is required by division (A) of this 4223
section to prepare a case plan shall attempt to obtain an 4224
agreement among all parties, including, but not limited to, the 4225
parents, guardian, or custodian of the child and the guardian ad 4226
litem of the child regarding the content of the case plan. If 4227
all parties agree to the content of the case plan and the court 4228
approves it, the court shall journalize it as part of its 4229
dispositional order. If the agency cannot obtain an agreement 4230
upon the contents of the case plan or the court does not approve 4231
it, the parties shall present evidence on the contents of the 4232
case plan at the dispositional hearing. The court, based upon 4233
the evidence presented at the dispositional hearing and the best 4234
interest of the child, shall determine the contents of the case 4235
plan and journalize it as part of the dispositional order for 4236
the child. 4237

(F) (1) All parties, including the parents, guardian, or 4238
custodian of the child, are bound by the terms of the 4239
journalized case plan. A party that fails to comply with the 4240
terms of the journalized case plan may be held in contempt of 4241
court. 4242

(2) Any party may propose a change to a substantive part 4243
of the case plan, including, but not limited to, the child's 4244
placement and the visitation rights of any party. A party 4245
proposing a change to the case plan shall file the proposed 4246

change with the court and give notice of the proposed change in 4247
writing before the end of the day after the day of filing it to 4248
all parties and the child's guardian ad litem. All parties and 4249
the guardian ad litem shall have seven days from the date the 4250
notice is sent to object to and request a hearing on the 4251
proposed change. 4252

(a) If it receives a timely request for a hearing, the 4253
court shall schedule a hearing pursuant to section 2151.417 of 4254
the Revised Code to be held no later than thirty days after the 4255
request is received by the court. The court shall give notice of 4256
the date, time, and location of the hearing to all parties and 4257
the guardian ad litem. The agency may implement the proposed 4258
change after the hearing, if the court approves it. The agency 4259
shall not implement the proposed change unless it is approved by 4260
the court. 4261

(b) If it does not receive a timely request for a hearing, 4262
the court may approve the proposed change without a hearing. If 4263
the court approves the proposed change without a hearing, it 4264
shall journalize the case plan with the change not later than 4265
fourteen days after the change is filed with the court. If the 4266
court does not approve the proposed change to the case plan, it 4267
shall schedule a hearing to be held pursuant to section 2151.417 4268
of the Revised Code no later than thirty days after the 4269
expiration of the fourteen-day time period and give notice of 4270
the date, time, and location of the hearing to all parties and 4271
the guardian ad litem of the child. If, despite the requirements 4272
of division (F) (2) of this section, the court neither approves 4273
and journalizes the proposed change nor conducts a hearing, the 4274
agency may implement the proposed change not earlier than 4275
fifteen days after it is submitted to the court. 4276

(3) If an agency has reasonable cause to believe that a child is suffering from illness or injury and is not receiving proper care and that an appropriate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm, to believe that a child is in immediate danger from the child's surroundings and that an immediate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm to the child, or to believe that a parent, guardian, custodian, or other member of the child's household has abused or neglected the child and that the child is in danger of immediate or threatened physical or emotional harm from that person unless the agency makes an appropriate change in the child's case plan, it may implement the change without prior agreement or a court hearing and, before the end of the next day after the change is made, give all parties, the guardian ad litem of the child, and the court notice of the change. Before the end of the third day after implementing the change in the case plan, the agency shall file a statement of the change with the court and give notice of the filing accompanied by a copy of the statement to all parties and the guardian ad litem. All parties and the guardian ad litem shall have ten days from the date the notice is sent to object to and request a hearing on the change.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency shall continue to administer the case plan with the change after the hearing, if the court approves the change. If the court does not approve the change,

the court shall make appropriate changes to the case plan and 4308
shall journalize the case plan. 4309

(b) If it does not receive a timely request for a hearing, 4310
the court may approve the change without a hearing. If the court 4311
approves the change without a hearing, it shall journalize the 4312
case plan with the change within fourteen days after receipt of 4313
the change. If the court does not approve the change to the case 4314
plan, it shall schedule a hearing under section 2151.417 of the 4315
Revised Code to be held no later than thirty days after the 4316
expiration of the fourteen-day time period and give notice of 4317
the date, time, and location of the hearing to all parties and 4318
the guardian ad litem of the child. 4319

(G) (1) All case plans for children in temporary custody 4320
shall have the following general goals: 4321

(a) Consistent with the best interest and special needs of 4322
the child, to achieve a safe out-of-home placement in the least 4323
restrictive, most family-like setting available and in close 4324
proximity to the home from which the child was removed or the 4325
home in which the child will be permanently placed; 4326

(b) To eliminate with all due speed the need for the out- 4327
of-home placement so that the child can safely return home. 4328

(2) The director of job and family services shall adopt 4329
rules pursuant to Chapter 119. of the Revised Code setting forth 4330
the general goals of case plans for children subject to 4331
dispositional orders for protective supervision, a planned 4332
permanent living arrangement, or permanent custody. 4333

(H) In the agency's development of a case plan and the 4334
court's review of the case plan, the child's health and safety 4335
shall be the paramount concern. The agency and the court shall 4336

be guided by the following general priorities: 4337

(1) A child who is residing with or can be placed with the 4338
child's parents within a reasonable time should remain in their 4339
legal custody even if an order of protective supervision is 4340
required for a reasonable period of time; 4341

(2) If both parents of the child have abandoned the child, 4342
have relinquished custody of the child, have become incapable of 4343
supporting or caring for the child even with reasonable 4344
assistance, or have a detrimental effect on the health, safety, 4345
and best interest of the child, the child should be placed in 4346
the legal custody of a suitable member of the child's extended 4347
family; 4348

(3) If a child described in division (H) (2) of this 4349
section has no suitable member of the child's extended family to 4350
accept legal custody, the child should be placed in the legal 4351
custody of a suitable nonrelative who shall be made a party to 4352
the proceedings after being given legal custody of the child; 4353

(4) If the child has no suitable member of the child's 4354
extended family to accept legal custody of the child and no 4355
suitable nonrelative is available to accept legal custody of the 4356
child and, if the child temporarily cannot or should not be 4357
placed with the child's parents, guardian, or custodian, the 4358
child should be placed in the temporary custody of a public 4359
children services agency or a private child placing agency; 4360

(5) If the child cannot be placed with either of the 4361
child's parents within a reasonable period of time or should not 4362
be placed with either, if no suitable member of the child's 4363
extended family or suitable nonrelative is available to accept 4364
legal custody of the child, and if the agency has a reasonable 4365

expectation of placing the child for adoption, the child should 4366
be committed to the permanent custody of the public children 4367
services agency or private child placing agency; 4368

(6) If the child is to be placed for adoption or foster 4369
care, the placement shall not be delayed or denied on the basis 4370
of the child's or adoptive or foster family's race, color, or 4371
national origin. 4372

(I) The case plan for a child in temporary custody shall 4373
include at a minimum the following requirements if the child is 4374
or has been the victim of abuse or neglect or if the child 4375
witnessed the commission in the child's household of abuse or 4376
neglect against a sibling of the child, a parent of the child, 4377
or any other person in the child's household: 4378

(1) A requirement that the child's parents, guardian, or 4379
custodian participate in mandatory counseling; 4380

(2) A requirement that the child's parents, guardian, or 4381
custodian participate in any supportive services that are 4382
required by or provided pursuant to the child's case plan. 4383

(J) (1) Prior to January 1, 2023, a case plan for a child 4384
in temporary custody may include, as a supplement, a plan for 4385
locating a permanent family placement. The supplement shall not 4386
be considered part of the case plan for purposes of division (E) 4387
of this section. 4388

(2) On and after January 1, 2023, a case plan for a child 4389
in temporary custody shall include a permanency plan for the 4390
child unless it is documented that such a plan would not be in 4391
the best interest of the child. The permanency plan shall 4392
describe the services the agency shall provide to achieve 4393
permanency for the child if reasonable efforts to return the 4394

child to the child's home, or eliminate the continued removal 4395
from that home, are unsuccessful. Those services shall be 4396
provided concurrently with reasonable efforts to return the 4397
child home or eliminate the child's continued removal from home. 4398

(3) The director of job and family services, pursuant to 4399
Chapter 119. of the Revised Code, shall adopt rules necessary to 4400
carry out the purposes of division (J) of this section. 4401

(K) (1) A public children services agency may request that 4402
the superintendent of the bureau of criminal identification and 4403
investigation conduct a criminal records check with respect to a 4404
parent, guardian, custodian, prospective custodian, or 4405
prospective placement whose actions result in a finding after 4406
the filing of a complaint as described in division (A) (1) of 4407
this section that a child is ~~an abused, neglected, or dependent~~ 4408
child a child in need of protective services. The public children 4409
services agency shall request that the superintendent obtain 4410
information from the federal bureau of investigation as part of 4411
the criminal records check. 4412

(2) At any time on or after the date that is ninety days 4413
after September 10, 2012, a prosecuting attorney, or an 4414
assistant prosecuting attorney appointed under section 309.06 of 4415
the Revised Code, may request that the superintendent of the 4416
bureau of criminal identification and investigation conduct a 4417
criminal records check with respect to each parent, guardian, 4418
custodian, prospective custodian, or prospective placement whose 4419
actions resulted in a finding after the filing of a complaint 4420
described in division (A) (1) of this section that a child is ~~an~~ 4421
~~abused, neglected, or dependent~~ a child in need of protective 4422
services. Each prosecuting attorney or assistant prosecuting 4423
attorney who makes such a request shall request that the 4424

superintendent obtain information from the federal bureau of 4425
investigation as part of the criminal records check for each 4426
parent, guardian, custodian, prospective custodian, or 4427
prospective placement who is a subject of the request. 4428

(3) A public children services agency, prosecuting 4429
attorney, or assistant prosecuting attorney that requests a 4430
criminal records check under division (K) (1) or (2) of this 4431
section shall do both of the following: 4432

(a) Provide to each parent, guardian, custodian, 4433
prospective custodian, or prospective placement for whom a 4434
criminal records check is requested a copy of the form 4435
prescribed pursuant to division (C) (1) of section 109.572 of the 4436
Revised Code and a standard fingerprint impression sheet 4437
prescribed pursuant to division (C) (2) of that section and 4438
obtain the completed form and impression sheet from the parent, 4439
guardian, custodian, prospective custodian, or prospective 4440
placement; 4441

(b) Forward the completed form and impression sheet to the 4442
superintendent of the bureau of criminal identification and 4443
investigation. 4444

(4) A parent, guardian, custodian, prospective custodian, 4445
or prospective placement who is given a form and fingerprint 4446
impression sheet under division (K) (3) (a) of this section and 4447
who fails to complete the form or provide fingerprint 4448
impressions may be held in contempt of court. 4449

Sec. 2151.414. (A) (1) Upon the filing of a motion pursuant 4450
to section 2151.413 of the Revised Code for permanent custody of 4451
a child, the court shall schedule a hearing and give notice of 4452
the filing of the motion and of the hearing, in accordance with 4453

section 2151.29 of the Revised Code, to all parties to the 4454
action and to the child's guardian ad litem. The notice also 4455
shall contain a full explanation that the granting of permanent 4456
custody permanently divests the parents of their parental 4457
rights, a full explanation of their right to be represented by 4458
counsel and to have counsel appointed pursuant to Chapter 120. 4459
of the Revised Code if they are indigent, and the name and 4460
telephone number of the court employee designated by the court 4461
pursuant to section 2151.314 of the Revised Code to arrange for 4462
the prompt appointment of counsel for indigent persons. 4463

The court shall conduct a hearing in accordance with 4464
section 2151.35 of the Revised Code to determine if it is in the 4465
best interest of the child to permanently terminate parental 4466
rights and grant permanent custody to the agency that filed the 4467
motion. The adjudication that the child is ~~an abused, neglected,~~ 4468
~~or dependent~~ a child in need of protective services and any 4469
dispositional order that has been issued in the case under 4470
section 2151.353 of the Revised Code pursuant to the 4471
adjudication shall not be readjudicated at the hearing and shall 4472
not be affected by a denial of the motion for permanent custody. 4473

(2) The court shall hold the hearing scheduled pursuant to 4474
division (A)(1) of this section not later than one hundred 4475
twenty days after the agency files the motion for permanent 4476
custody, except that, for good cause shown, the court may 4477
continue the hearing for a reasonable period of time beyond the 4478
one-hundred-twenty-day deadline. The court shall issue an order 4479
that grants, denies, or otherwise disposes of the motion for 4480
permanent custody, and journalize the order, not later than two 4481
hundred days after the agency files the motion. 4482

If a motion is made under division (D)(2) of section 4483

2151.413 of the Revised Code and no dispositional hearing has 4484
been held in the case, the court may hear the motion in the 4485
dispositional hearing required by division (B) of section 4486
2151.35 of the Revised Code. If the court issues an order 4487
pursuant to section 2151.353 of the Revised Code granting 4488
permanent custody of the child to the agency, the court shall 4489
immediately dismiss the motion made under division (D) (2) of 4490
section 2151.413 of the Revised Code. 4491

The failure of the court to comply with the time periods 4492
set forth in division (A) (2) of this section does not affect the 4493
authority of the court to issue any order under this chapter and 4494
does not provide any basis for attacking the jurisdiction of the 4495
court or the validity of any order of the court. 4496

(B) (1) Except as provided in division (B) (2) of this 4497
section, the court may grant permanent custody of a child to a 4498
movant if the court determines at the hearing held pursuant to 4499
division (A) of this section, by clear and convincing evidence, 4500
that it is in the best interest of the child to grant permanent 4501
custody of the child to the agency that filed the motion for 4502
permanent custody and that any of the following apply: 4503

(a) The child is not abandoned or orphaned, has not been 4504
in the temporary custody of one or more public children services 4505
agencies or private child placing agencies for twelve or more 4506
months of a consecutive twenty-two-month period, or has not been 4507
in the temporary custody of one or more public children services 4508
agencies or private child placing agencies for twelve or more 4509
months of a consecutive twenty-two-month period if, as described 4510
in division (D) (1) of section 2151.413 of the Revised Code, the 4511
child was previously in the temporary custody of an equivalent 4512
agency in another state, and the child cannot be placed with 4513

either of the child's parents within a reasonable time or should 4514
not be placed with the child's parents. 4515

(b) The child is abandoned. 4516

(c) The child is orphaned, and there are no relatives of 4517
the child who are able to take permanent custody. 4518

(d) The child has been in the temporary custody of one or 4519
more public children services agencies or private child placing 4520
agencies for twelve or more months of a consecutive twenty-two- 4521
month period, or the child has been in the temporary custody of 4522
one or more public children services agencies or private child 4523
placing agencies for twelve or more months of a consecutive 4524
twenty-two-month period and, as described in division (D) (1) of 4525
section 2151.413 of the Revised Code, the child was previously 4526
in the temporary custody of an equivalent agency in another 4527
state. 4528

(e) The child or another child in the custody of the 4529
parent or parents from whose custody the child has been removed 4530
has been adjudicated an abused, neglected, or dependent child, 4531
or adjudicated a child in need of protective services on three 4532
separate occasions by any court in this state or another state. 4533

For the purposes of division (B) (1) of this section, a 4534
child shall be considered to have entered the temporary custody 4535
of an agency on the earlier of the date the child is adjudicated 4536
pursuant to section 2151.28 of the Revised Code or the date that 4537
is sixty days after the removal of the child from home. 4538

(2) With respect to a motion made pursuant to division (D) 4539
(2) of section 2151.413 of the Revised Code, the court shall 4540
grant permanent custody of the child to the movant if the court 4541
determines in accordance with division (E) of this section that 4542

the child cannot be placed with one of the child's parents 4543
within a reasonable time or should not be placed with either 4544
parent and determines in accordance with division (D) of this 4545
section that permanent custody is in the child's best interest. 4546

(C) In making the determinations required by this section 4547
or division (A) (4) of section 2151.353 of the Revised Code, a 4548
court shall not consider the effect the granting of permanent 4549
custody to the agency would have upon any parent of the child. A 4550
written report of the guardian ad litem of the child shall be 4551
submitted to the court prior to or at the time of the hearing 4552
held pursuant to division (A) of this section or section 2151.35 4553
of the Revised Code but shall not be submitted under oath. 4554

If the court grants permanent custody of a child to a 4555
movant under this division, the court, upon the request of any 4556
party, shall file a written opinion setting forth its findings 4557
of fact and conclusions of law in relation to the proceeding. 4558
The court shall not deny an agency's motion for permanent 4559
custody solely because the agency failed to implement any 4560
particular aspect of the child's case plan. 4561

(D) (1) In determining the best interest of a child at a 4562
hearing held pursuant to division (A) of this section or for the 4563
purposes of division (A) (4) or (5) of section 2151.353 or 4564
division (C) of section 2151.415 of the Revised Code, the court 4565
shall consider all relevant factors, including, but not limited 4566
to, the following: 4567

(a) The interaction and interrelationship of the child 4568
with the child's parents, siblings, relatives, foster caregivers 4569
and out-of-home providers, and any other person who may 4570
significantly affect the child; 4571

(b) The wishes of the child, as expressed directly by the 4572
child or through the child's guardian ad litem, with due regard 4573
for the maturity of the child; 4574

(c) The custodial history of the child, including whether 4575
the child has been in the temporary custody of one or more 4576
public children services agencies or private child placing 4577
agencies for twelve or more months of a consecutive twenty-two- 4578
month period, or the child has been in the temporary custody of 4579
one or more public children services agencies or private child 4580
placing agencies for twelve or more months of a consecutive 4581
twenty-two-month period and, as described in division (D) (1) of 4582
section 2151.413 of the Revised Code, the child was previously 4583
in the temporary custody of an equivalent agency in another 4584
state; 4585

(d) The child's need for a legally secure permanent 4586
placement and whether that type of placement can be achieved 4587
without a grant of permanent custody to the agency; 4588

(e) Whether any of the factors in divisions (E) (7) to (11) 4589
of this section apply in relation to the parents and child. 4590

For the purposes of division (D) (1) of this section, a 4591
child shall be considered to have entered the temporary custody 4592
of an agency on the earlier of the date the child is adjudicated 4593
pursuant to section 2151.28 of the Revised Code or the date that 4594
is sixty days after the removal of the child from home. 4595

(2) If all of the following apply, permanent custody is in 4596
the best interest of the child, and the court shall commit the 4597
child to the permanent custody of a public children services 4598
agency or private child placing agency: 4599

(a) The court determines by clear and convincing evidence 4600

that one or more of the factors in division (E) of this section 4601
exist and the child cannot be placed with one of the child's 4602
parents within a reasonable time or should not be placed with 4603
either parent. 4604

(b) The child has been in an agency's custody for two 4605
years or longer, and no longer qualifies for temporary custody 4606
pursuant to division (D) of section 2151.415 of the Revised 4607
Code. 4608

(c) The child does not meet the requirements for a planned 4609
permanent living arrangement pursuant to division (A) (5) of 4610
section 2151.353 of the Revised Code. 4611

(d) Prior to the dispositional hearing, no relative or 4612
other interested person has filed, or has been identified in, a 4613
motion for legal custody of the child. 4614

(E) In determining at a hearing held pursuant to division 4615
(A) of this section or for the purposes of division (A) (4) of 4616
section 2151.353 of the Revised Code whether a child cannot be 4617
placed with either parent within a reasonable period of time or 4618
should not be placed with the parents, the court shall consider 4619
all relevant evidence. If the court determines, by clear and 4620
convincing evidence, at a hearing held pursuant to division (A) 4621
of this section or for the purposes of division (A) (4) of 4622
section 2151.353 of the Revised Code that one or more of the 4623
following exist as to each of the child's parents, the court 4624
shall enter a finding that the child cannot be placed with 4625
either parent within a reasonable time or should not be placed 4626
with either parent: 4627

(1) Following the placement of the child outside the 4628
child's home and notwithstanding reasonable case planning and 4629

diligent efforts by the agency to assist the parents to remedy 4630
the problems that initially caused the child to be placed 4631
outside the home, the parent has failed continuously and 4632
repeatedly to substantially remedy the conditions causing the 4633
child to be placed outside the child's home. In determining 4634
whether the parents have substantially remedied those 4635
conditions, the court shall consider parental utilization of 4636
medical, psychiatric, psychological, and other social and 4637
rehabilitative services and material resources that were made 4638
available to the parents for the purpose of changing parental 4639
conduct to allow them to resume and maintain parental duties. 4640

(2) Chronic mental illness, chronic emotional illness, 4641
intellectual disability, physical disability, or chemical 4642
dependency of the parent that is so severe that it makes the 4643
parent unable to provide an adequate permanent home for the 4644
child at the present time and, as anticipated, within one year 4645
after the court holds the hearing pursuant to division (A) of 4646
this section or for the purposes of division (A)(4) of section 4647
2151.353 of the Revised Code; 4648

(3) The parent committed any abuse ~~as described in section~~ 4649
~~2151.031 of the Revised Code~~ against the child, caused the child 4650
to suffer any neglect ~~as described in section 2151.03 of the~~ 4651
~~Revised Code~~, or allowed the child to suffer any neglect ~~as~~ 4652
~~described in section 2151.03 of the Revised Code~~, or has 4653
committed an act or created a situation that caused the child to 4654
be a child in need of protective services between the date that 4655
the original complaint alleging ~~abuse or neglect~~ the act or 4656
situation causing a child to be a child in need of protective 4657
services was filed and the date of the filing of the motion for 4658
permanent custody; 4659

(4) The parent has demonstrated a lack of commitment 4660
toward the child by failing to regularly support, visit, or 4661
communicate with the child when able to do so, or by other 4662
actions showing an unwillingness to provide an adequate 4663
permanent home for the child; 4664

(5) The parent is incarcerated for an offense committed 4665
against the child or a sibling of the child; 4666

(6) The parent has been convicted of or pleaded guilty to 4667
an offense under division (A) or (C) of section 2919.22 or under 4668
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 4669
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.23, 4670
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 4671
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 2919.25, 4672
2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the Revised 4673
Code, and the child or a sibling of the child was a victim of 4674
the offense, or the parent has been convicted of or pleaded 4675
guilty to an offense under section 2903.04 of the Revised Code, 4676
a sibling of the child was the victim of the offense, and the 4677
parent who committed the offense poses an ongoing danger to the 4678
child or a sibling of the child. 4679

(7) The parent has been convicted of or pleaded guilty to 4680
one of the following: 4681

(a) An offense under section 2903.01, 2903.02, or 2903.03 4682
of the Revised Code or under an existing or former law of this 4683
state, any other state, or the United States that is 4684
substantially equivalent to an offense described in those 4685
sections and the victim of the offense was a sibling of the 4686
child or the victim was another child who lived in the parent's 4687
household at the time of the offense; 4688

(b) An offense under section 2903.11, 2903.12, or 2903.13 4689
of the Revised Code or under an existing or former law of this 4690
state, any other state, or the United States that is 4691
substantially equivalent to an offense described in those 4692
sections and the victim of the offense is the child, a sibling 4693
of the child, or another child who lived in the parent's 4694
household at the time of the offense; 4695

(c) An offense under division (B)(2) of section 2919.22 of 4696
the Revised Code or under an existing or former law of this 4697
state, any other state, or the United States that is 4698
substantially equivalent to the offense described in that 4699
section and the child, a sibling of the child, or another child 4700
who lived in the parent's household at the time of the offense 4701
is the victim of the offense; 4702

(d) An offense under section 2907.02, 2907.03, 2907.04, 4703
2907.05, or 2907.06 of the Revised Code or under an existing or 4704
former law of this state, any other state, or the United States 4705
that is substantially equivalent to an offense described in 4706
those sections and the victim of the offense is the child, a 4707
sibling of the child, or another child who lived in the parent's 4708
household at the time of the offense; 4709

(e) An offense under section 2905.32, 2907.21, or 2907.22 4710
of the Revised Code or under an existing or former law of this 4711
state, any other state, or the United States that is 4712
substantially equivalent to the offense described in that 4713
section and the victim of the offense is the child, a sibling of 4714
the child, or another child who lived in the parent's household 4715
at the time of the offense; 4716

(f) A conspiracy or attempt to commit, or complicity in 4717
committing, an offense described in division (E)(7)(a), (d), or 4718

(e) of this section. 4719

(8) The parent has repeatedly withheld medical treatment 4720
or food from the child when the parent has the means to provide 4721
the treatment or food, and, in the case of withheld medical 4722
treatment, the parent withheld it for a purpose other than to 4723
treat the physical or mental illness or disability of the child 4724
by spiritual means through prayer alone in accordance with the 4725
tenets of a recognized religious body. 4726

(9) The parent has placed the child at substantial risk of 4727
harm two or more times due to alcohol or drug abuse and has 4728
rejected treatment two or more times or refused to participate 4729
in further treatment two or more times after a case plan issued 4730
pursuant to section 2151.412 of the Revised Code requiring 4731
treatment of the parent was journalized as part of a 4732
dispositional order issued with respect to the child or an order 4733
was issued by any other court requiring treatment of the parent. 4734

(10) The parent has abandoned the child. 4735

(11) The parent has had parental rights involuntarily 4736
terminated with respect to a sibling of the child pursuant to 4737
this section or section 2151.353 or 2151.415 of the Revised 4738
Code, or under an existing or former law of this state, any 4739
other state, or the United States that is substantially 4740
equivalent to those sections, and the parent has failed to 4741
provide clear and convincing evidence to prove that, 4742
notwithstanding the prior termination, the parent can provide a 4743
legally secure permanent placement and adequate care for the 4744
health, welfare, and safety of the child. 4745

(12) The parent is incarcerated at the time of the filing 4746
of the motion for permanent custody or the dispositional hearing 4747

of the child and will not be available to care for the child for 4748
at least eighteen months after the filing of the motion for 4749
permanent custody or the dispositional hearing. 4750

(13) The parent is repeatedly incarcerated, and the 4751
repeated incarceration prevents the parent from providing care 4752
for the child. 4753

(14) The parent for any reason is unwilling to provide 4754
food, clothing, shelter, and other basic necessities for the 4755
child or to prevent the child from suffering physical, 4756
emotional, or sexual abuse or physical, emotional, or mental 4757
neglect. 4758

(15) The parent has committed abuse ~~as described in~~ 4759
~~section 2151.031 of the Revised Code against the child or,~~ 4760
caused or allowed the child to suffer neglect ~~as described in~~ 4761
~~section 2151.03 of the Revised Code,~~ or has committed an act or 4762
created a situation that caused the child to be a child in need 4763
of protective services and the court determines that the 4764
seriousness, nature, or likelihood of recurrence of the ~~abuse-~~ 4765
act or neglect-situation makes the child's placement with the 4766
child's parent a threat to the child's safety. 4767

(16) Any other factor the court considers relevant. 4768

(F) The parents of a child for whom the court has issued 4769
an order granting permanent custody pursuant to this section, 4770
upon the issuance of the order, cease to be parties to the 4771
action. This division is not intended to eliminate or restrict 4772
any right of the parents to appeal the granting of permanent 4773
custody of their child to a movant pursuant to this section. 4774

Sec. 2151.44. If it appears at the hearing of a child that 4775
any person has ~~abused or has aided,~~ induced, caused, encouraged, 4776

or contributed to the ~~dependency~~abuse, neglect, or delinquency 4777
of a child or an act or situation causing the child to be a 4778
child in need of protective services or acted in a way tending 4779
to cause delinquency in such child, or that a person charged 4780
with the care, support, education, or maintenance of any child 4781
has failed to support or sufficiently contribute toward the 4782
support, education, and maintenance of such child, the juvenile 4783
judge may order a complaint filed against such person and 4784
proceed to hear and dispose of the case as provided in sections 4785
2151.01 to 2151.54, inclusive, of the Revised Code. 4786

On the request of the judge, the prosecuting attorney 4787
shall prosecute all adults charged with violating such sections. 4788

Sec. 2151.54. The juvenile court shall tax and collect the 4789
same fees and costs as are allowed the clerk of the court of 4790
common pleas for similar services. No fees or costs shall be 4791
taxed in cases of delinquent, or unruly, ~~dependent, abused, or~~ 4792
~~neglected~~ children or children in need of protective services 4793
except as required by section 2743.70 or 2949.091 of the Revised 4794
Code or when specifically ordered by the court. The expense of 4795
transportation of children to places to which they have been 4796
committed, and the transportation of children to and from 4797
another state by police or other officers, acting upon order of 4798
the court, shall be paid from the county treasury upon 4799
specifically itemized vouchers certified to by the judge. 4800

If a child is adjudicated to be a delinquent child or a 4801
juvenile traffic offender and the juvenile court specifically is 4802
required, by section 2743.70 or 2949.091 of the Revised Code or 4803
any other section of the Revised Code, to impose a specified sum 4804
of money as court costs in addition to any other court costs 4805
that the court is required or permitted by law to impose, the 4806

court shall not waive the payment of the specified additional 4807
court costs that the section of the Revised Code specifically 4808
requires the court to impose unless the court determines that 4809
the child is indigent and the court either waives the payment of 4810
all court costs or enters an order in its journal stating that 4811
no court costs are to be taxed in the case. 4812

Sec. 2151.65. Upon the advice and recommendation of the 4813
juvenile judge, the board of county commissioners may provide by 4814
purchase, lease, construction, or otherwise a school, forestry 4815
camp, or other facility or facilities where delinquent children, 4816
~~as defined in section 2152.02 of the Revised Code, dependent~~ 4817
~~children in need of protective services, abused children, unruly~~ 4818
~~children, as defined in section 2151.022 of the Revised Code, or~~ 4819
~~neglected children~~ or juvenile traffic offenders may be held for 4820
training, treatment, and rehabilitation. Upon the joint advice 4821
and recommendation of the juvenile judges of two or more 4822
adjoining or neighboring counties, the boards of county 4823
commissioners of such counties may form themselves into a joint 4824
board and proceed to organize a district for the establishment 4825
and support of a school, forestry camp, or other facility or 4826
facilities for the use of the juvenile courts of such counties, 4827
where delinquent, ~~dependent, abused, or~~ unruly, ~~or neglected~~ 4828
children, children in need of protective services, or juvenile 4829
traffic offenders may be held for treatment, training, and 4830
rehabilitation, by using a site or buildings already established 4831
in one such county, or by providing for the purchase of a site 4832
and the erection of the necessary buildings thereon. Such county 4833
or district school, forestry camp, or other facility or 4834
facilities shall be maintained as provided in Chapters 2151. and 4835
2152. of the Revised Code. Children who are adjudged to be 4836
delinquent, ~~dependent, neglected, abused, unruly,~~ in need of 4837

protective services, or juvenile traffic offenders may be 4838
committed to and held in any such school, forestry camp, or 4839
other facility or facilities for training, treatment, and 4840
rehabilitation. 4841

The juvenile court shall determine: 4842

(A) The children to be admitted to any school, forestry 4843
camp, or other facility maintained under this section; 4844

(B) The period such children shall be trained, treated, 4845
and rehabilitated at such facility; 4846

(C) The removal and transfer of children from such 4847
facility. 4848

Sec. 2152.19. (A) If a child is adjudicated a delinquent 4849
child, the court may make any of the following orders of 4850
disposition, in addition to any other disposition authorized or 4851
required by this chapter: 4852

(1) Any order that is authorized by section 2151.353 of 4853
the Revised Code for the care and protection of ~~an abused,~~ 4854
~~neglected, or dependent~~ a child in need of protective services; 4855

(2) Commit the child to the temporary custody of any 4856
school, camp, institution, or other facility operated for the 4857
care of delinquent children by the county, by a district 4858
organized under section ~~2152.41 or~~ 2151.65 or 2152.41 of the 4859
Revised Code, or by a private agency or organization, within or 4860
without the state, that is authorized and qualified to provide 4861
the care, treatment, or placement required, including, but not 4862
limited to, a school, camp, or facility operated under section 4863
2151.65 of the Revised Code; 4864

(3) Place the child in a detention facility or district 4865

detention facility operated under section 2152.41 of the Revised Code, for up to ninety days;

(4) Place the child on community control under any sanctions, services, and conditions that the court prescribes. As a condition of community control in every case and in addition to any other condition that it imposes upon the child, the court shall require the child to abide by the law during the period of community control. As referred to in this division, community control includes, but is not limited to, the following sanctions and conditions:

(a) A period of basic probation supervision in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court;

(b) A period of intensive probation supervision in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;

(c) A period of day reporting in which the child is required each day to report to and leave a center or another approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center;

(d) A period of community service of up to five hundred hours for an act that would be a felony or a misdemeanor of the first degree if committed by an adult, up to two hundred hours for an act that would be a misdemeanor of the second, third, or fourth degree if committed by an adult, or up to thirty hours

for an act that would be a minor misdemeanor if committed by an adult; 4895
4896

(e) A requirement that the child obtain a high school diploma, a certificate of high school equivalence, vocational training, or employment; 4897
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4899

(f) A period of drug and alcohol use monitoring; 4900

(g) A requirement of alcohol or drug assessment or counseling, or a period in an alcohol or drug treatment program with a level of security for the child as determined necessary by the court; 4901
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(h) A period in which the court orders the child to observe a curfew that may involve daytime or evening hours; 4905
4906

(i) A requirement that the child serve monitored time; 4907

(j) A period of house arrest without electronic monitoring or continuous alcohol monitoring; 4908
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(k) A period of electronic monitoring or continuous alcohol monitoring without house arrest, or house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, that does not exceed the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act. 4910
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A period of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, imposed under this division shall not extend beyond the child's twenty-first birthday. If a court imposes a period of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, upon a child under this division, 4916
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it shall require the child: to remain in the child's home or 4923
other specified premises for the entire period of house arrest 4924
with electronic monitoring or continuous alcohol monitoring or 4925
both except when the court permits the child to leave those 4926
premises to go to school or to other specified premises. 4927
Regarding electronic monitoring, the court also shall require 4928
the child to be monitored by a central system that can determine 4929
the child's location at designated times; to report periodically 4930
to a person designated by the court; and to enter into a written 4931
contract with the court agreeing to comply with all requirements 4932
imposed by the court, agreeing to pay any fee imposed by the 4933
court for the costs of the house arrest with electronic 4934
monitoring, and agreeing to waive the right to receive credit 4935
for any time served on house arrest with electronic monitoring 4936
toward the period of any other dispositional order imposed upon 4937
the child if the child violates any of the requirements of the 4938
dispositional order of house arrest with electronic monitoring. 4939
The court also may impose other reasonable requirements upon the 4940
child. 4941

Unless ordered by the court, a child shall not receive 4942
credit for any time served on house arrest with electronic 4943
monitoring or continuous alcohol monitoring or both toward any 4944
other dispositional order imposed upon the child for the act for 4945
which was imposed the dispositional order of house arrest with 4946
electronic monitoring or continuous alcohol monitoring. As used 4947
in this division and division (A) (4) (1) of this section, 4948
"continuous alcohol monitoring" has the same meaning as in 4949
section 2929.01 of the Revised Code. 4950

(1) A suspension of the driver's license, probationary 4951
driver's license, or temporary instruction permit issued to the 4952
child for a period of time prescribed by the court, or a 4953

suspension of the registration of all motor vehicles registered 4954
in the name of the child for a period of time prescribed by the 4955
court. A child whose license or permit is so suspended is 4956
ineligible for issuance of a license or permit during the period 4957
of suspension. At the end of the period of suspension, the child 4958
shall not be reissued a license or permit until the child has 4959
paid any applicable reinstatement fee and complied with all 4960
requirements governing license reinstatement. 4961

(5) Commit the child to the custody of the court; 4962

(6) Require the child to not be absent without legitimate 4963
excuse from the public school the child is supposed to attend 4964
for thirty or more consecutive hours, forty-two or more hours in 4965
one school month, or seventy-two or more hours in a school year; 4966

(7) (a) If a child is adjudicated a delinquent child for 4967
violating a court order regarding the child's prior adjudication 4968
as an unruly child for being a habitual truant, do either or 4969
both of the following: 4970

(i) Require the child to participate in a truancy 4971
prevention mediation program; 4972

(ii) Make any order of disposition as authorized by this 4973
section, except that the court shall not commit the child to a 4974
facility described in division (A) (2) or (3) of this section 4975
unless the court determines that the child violated a lawful 4976
court order made pursuant to division (C) (1) (e) of section 4977
2151.354 of the Revised Code or division (A) (6) of this section. 4978

(b) If a child is adjudicated a delinquent child for 4979
violating a court order regarding the child's prior adjudication 4980
as an unruly child for being a habitual truant and the court 4981
determines that the parent, guardian, or other person having 4982

care of the child has failed to cause the child's attendance at 4983
school in violation of section 3321.38 of the Revised Code, do 4984
either or both of the following: 4985

(i) Require the parent, guardian, or other person having 4986
care of the child to participate in a truancy prevention 4987
mediation program; 4988

(ii) Require the parent, guardian, or other person having 4989
care of the child to participate in any community service 4990
program, preferably a community service program that requires 4991
the involvement of the parent, guardian, or other person having 4992
care of the child in the school attended by the child. 4993

(8) Make any further disposition that the court finds 4994
proper, except that the child shall not be placed in a state 4995
correctional institution, a county, multicounty, or municipal 4996
jail or workhouse, or another place in which an adult convicted 4997
of a crime, under arrest, or charged with a crime is held. 4998

(B) If a child is adjudicated a delinquent child, in 4999
addition to any order of disposition made under division (A) of 5000
this section, the court, in the following situations and for the 5001
specified periods of time, shall suspend the child's temporary 5002
instruction permit, restricted license, probationary driver's 5003
license, or nonresident operating privilege, or suspend the 5004
child's ability to obtain such a permit: 5005

(1) If the child is adjudicated a delinquent child for 5006
violating section 2923.122 of the Revised Code, impose a class 5007
four suspension of the child's license, permit, or privilege 5008
from the range specified in division (A)(4) of section 4510.02 5009
of the Revised Code or deny the child the issuance of a license 5010
or permit in accordance with division (F)(1) of section 2923.122 5011

of the Revised Code. 5012

(2) If the child is adjudicated a delinquent child for 5013
committing an act that if committed by an adult would be a drug 5014
abuse offense or for violating division (B) of section 2917.11 5015
of the Revised Code, suspend the child's license, permit, or 5016
privilege for a period of time prescribed by the court. The 5017
court, in its discretion, may terminate the suspension if the 5018
child attends and satisfactorily completes a drug abuse or 5019
alcohol abuse education, intervention, or treatment program 5020
specified by the court. During the time the child is attending a 5021
program described in this division, the court shall retain the 5022
child's temporary instruction permit, probationary driver's 5023
license, or driver's license, and the court shall return the 5024
permit or license if it terminates the suspension as described 5025
in this division. 5026

(C) The court may establish a victim-offender mediation 5027
program in which victims and their offenders meet to discuss the 5028
offense and suggest possible restitution. If the court obtains 5029
the assent of the victim of the delinquent act committed by the 5030
child, the court may require the child to participate in the 5031
program. 5032

(D) (1) If a child is adjudicated a delinquent child for 5033
committing an act that would be a felony if committed by an 5034
adult and if the child caused, attempted to cause, threatened to 5035
cause, or created a risk of physical harm to the victim of the 5036
act, the court, prior to issuing an order of disposition under 5037
this section, shall order the preparation of a victim impact 5038
statement by the probation department of the county in which the 5039
victim of the act resides, by the court's own probation 5040
department, or by a victim assistance program that is operated 5041

by the state, a county, a municipal corporation, or another 5042
governmental entity. The court shall consider the victim impact 5043
statement in determining the order of disposition to issue for 5044
the child. 5045

(2) Each victim impact statement shall identify the victim 5046
of the act for which the child was adjudicated a delinquent 5047
child, itemize any economic loss suffered by the victim as a 5048
result of the act, identify any physical injury suffered by the 5049
victim as a result of the act and the seriousness and permanence 5050
of the injury, identify any change in the victim's personal 5051
welfare or familial relationships as a result of the act and any 5052
psychological impact experienced by the victim or the victim's 5053
family as a result of the act, and contain any other information 5054
related to the impact of the act upon the victim that the court 5055
requires. 5056

(3) A victim impact statement shall be kept confidential 5057
and is not a public record. However, the court may furnish 5058
copies of the statement to the department of youth services if 5059
the delinquent child is committed to the department or to both 5060
the adjudicated delinquent child or the adjudicated delinquent 5061
child's counsel and the prosecuting attorney. The copy of a 5062
victim impact statement furnished by the court to the department 5063
pursuant to this section shall be kept confidential and is not a 5064
public record. If an officer is preparing pursuant to section 5065
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 a 5066
presentence investigation report pertaining to a person, the 5067
court shall make available to the officer, for use in preparing 5068
the report, a copy of any victim impact statement regarding that 5069
person. The copies of a victim impact statement that are made 5070
available to the adjudicated delinquent child or the adjudicated 5071
delinquent child's counsel and the prosecuting attorney pursuant 5072

to this division shall be returned to the court by the person to 5073
whom they were made available immediately following the 5074
imposition of an order of disposition for the child under this 5075
chapter. 5076

The copy of a victim impact statement that is made 5077
available pursuant to this division to an officer preparing a 5078
criminal presentence investigation report shall be returned to 5079
the court by the officer immediately following its use in 5080
preparing the report. 5081

(4) The department of youth services shall work with local 5082
probation departments and victim assistance programs to develop 5083
a standard victim impact statement. 5084

(E) (1) If a child is adjudicated a delinquent child for 5085
violating a court order regarding the child's prior adjudication 5086
as an unruly child for being a habitual truant and the court 5087
determines that the parent, guardian, or other person having 5088
care of the child has failed to cause the child's attendance at 5089
school in violation of section 3321.38 of the Revised Code, in 5090
addition to any order of disposition it makes under this 5091
section, the court shall warn the parent, guardian, or other 5092
person having care of the child that any subsequent adjudication 5093
with regard to truancy may result in a criminal charge against 5094
the parent, guardian, or other person having care of the child 5095
for a violation of division (C) of section 2919.21 or section 5096
2919.24 of the Revised Code. 5097

(2) Not later than ten days after a child is adjudicated a 5098
delinquent child for violating a court order regarding the 5099
child's prior adjudication as an unruly child for being an 5100
habitual truant, the court shall provide notice of that fact to 5101
the school district in which the child is entitled to attend 5102

school and to the school in which the child was enrolled at the 5103
time of the filing of the complaint. 5104

(F) (1) During the period of a delinquent child's community 5105
control granted under this section, authorized probation 5106
officers who are engaged within the scope of their supervisory 5107
duties or responsibilities may search, with or without a 5108
warrant, the person of the delinquent child, the place of 5109
residence of the delinquent child, and a motor vehicle, another 5110
item of tangible or intangible personal property, or other real 5111
property in which the delinquent child has a right, title, or 5112
interest or for which the delinquent child has the express or 5113
implied permission of a person with a right, title, or interest 5114
to use, occupy, or possess if the probation officers have 5115
reasonable grounds to believe that the delinquent child is not 5116
abiding by the law or otherwise is not complying with the 5117
conditions of the delinquent child's community control. The 5118
court that places a delinquent child on community control under 5119
this section shall provide the delinquent child with a written 5120
notice that informs the delinquent child that authorized 5121
probation officers who are engaged within the scope of their 5122
supervisory duties or responsibilities may conduct those types 5123
of searches during the period of community control if they have 5124
reasonable grounds to believe that the delinquent child is not 5125
abiding by the law or otherwise is not complying with the 5126
conditions of the delinquent child's community control. The 5127
court also shall provide the written notice described in 5128
division (E) (2) of this section to each parent, guardian, or 5129
custodian of the delinquent child who is described in that 5130
division. 5131

(2) The court that places a child on community control 5132
under this section shall provide the child's parent, guardian, 5133

or other custodian with a written notice that informs them that 5134
authorized probation officers may conduct searches pursuant to 5135
division (E) (1) of this section. The notice shall specifically 5136
state that a permissible search might extend to a motor vehicle, 5137
another item of tangible or intangible personal property, or a 5138
place of residence or other real property in which a notified 5139
parent, guardian, or custodian has a right, title, or interest 5140
and that the parent, guardian, or custodian expressly or 5141
impliedly permits the child to use, occupy, or possess. 5142

(G) If a juvenile court commits a delinquent child to the 5143
custody of any person, organization, or entity pursuant to this 5144
section and if the delinquent act for which the child is so 5145
committed is a sexually oriented offense or is a child-victim 5146
oriented offense, the court in the order of disposition shall do 5147
one of the following: 5148

(1) Require that the child be provided treatment as 5149
described in division (A) (2) of section 5139.13 of the Revised 5150
Code; 5151

(2) Inform the person, organization, or entity that it is 5152
the preferred course of action in this state that the child be 5153
provided treatment as described in division (A) (2) of section 5154
5139.13 of the Revised Code and encourage the person, 5155
organization, or entity to provide that treatment. 5156

Sec. 2152.59. (A) If after a hearing held pursuant to 5157
section 2152.58 of the Revised Code the court determines that a 5158
child is competent, the court shall proceed with the delinquent 5159
child's proceeding as provided by law. No statement that a child 5160
makes during an evaluation or hearing conducted under sections 5161
2152.51 through 2152.59 of the Revised Code shall be used 5162
against the child on the issue of responsibility or guilt in any 5163

child or adult proceeding. 5164

(B) If after a hearing held pursuant to section 2152.58 of 5165
the Revised Code the court determines that the child is not 5166
competent and cannot attain competency within the period of time 5167
applicable under division (D) (2) of this section, the court 5168
shall dismiss the charges without prejudice, except that the 5169
court may delay dismissal for up to ninety calendar days and do 5170
either of the following: 5171

(1) Refer the matter to a public children services agency 5172
and request that agency determine whether to file an action in 5173
accordance with section 2151.27 of the Revised Code alleging 5174
that the child is a ~~dependent, neglected, or abused child in~~ 5175
need of protective services; 5176

(2) Assign court staff to refer the child or the child's 5177
family to the local family and children first council or an 5178
agency funded by the department of mental health and addiction 5179
services or department of developmental disabilities or 5180
otherwise secure services to reduce the potential that the child 5181
would engage in behavior that could result in delinquent child 5182
or other criminal charges. 5183

(C) If after a hearing held pursuant to section 2152.58 of 5184
the Revised Code the court determines that a child is not 5185
competent but could likely attain competency by participating in 5186
services specifically designed to help the child develop 5187
competency, the court may order the child to participate in 5188
services specifically designed to help the child develop 5189
competency at county expense. The court shall name a reliable 5190
provider to deliver the competency attainment services and shall 5191
order the child's parent, guardian, or custodian to contact that 5192
provider by a specified date to arrange for services. 5193

(D) The competency attainment services provided to a child 5194
shall be based on a competency attainment plan described in 5195
division (E) (2) of this section and approved by the court. 5196
Services are subject to the following conditions and time 5197
periods measured from the date the court approves the plan: 5198

(1) Services shall be provided in the least restrictive 5199
setting that is consistent with the child's ability to attain 5200
competency and the safety of both the child and the community. 5201
If the child has been released on temporary or interim orders 5202
and refuses or fails to cooperate with the service provider, the 5203
court may reassess the orders and amend them to require a more 5204
appropriate setting. 5205

(2) No child shall be required to participate in 5206
competency attainment services for longer than is required for 5207
the child to attain competency. The following maximum periods of 5208
participation apply: 5209

(a) If a child is ordered to participate in competency 5210
attainment services that are provided outside of a residential 5211
setting, the child shall not participate in those services for a 5212
period exceeding three months if the child is charged with an 5213
act that would be a misdemeanor if committed by an adult, six 5214
months if the child is charged with an act that would be a 5215
felony of the third, fourth, or fifth degree if committed by an 5216
adult, or one year if the child is charged with an act that 5217
would be a felony of the first or second degree, aggravated 5218
murder, or murder if committed by an adult. 5219

(b) If a child is ordered to receive competency attainment 5220
services that are provided in a residential setting that is 5221
operated solely or in part for the purpose of providing 5222
competency attainment services, the child shall not participate 5223

in those services for a period exceeding forty-five calendar 5224
days if the child is charged with an act that would be a 5225
misdemeanor if committed by an adult, three months if the child 5226
is charged with an act that would be a felony of the third, 5227
fourth, or fifth degree if committed by an adult, six months if 5228
the child is charged with an act that would be a felony of the 5229
first or second degree if committed by an adult, or one year if 5230
the child is charged with an act that would be aggravated murder 5231
or murder if committed by an adult. 5232

(c) If a child is ordered into a residential, detention, 5233
or other secured setting for reasons other than to participate 5234
in competency attainment services and is also ordered to 5235
participate in competency attainment services concurrently, the 5236
child shall participate in the competency attainment services 5237
for not longer than the relevant period set forth in division 5238
(D) (2) (a) of this section. 5239

(d) If a child is ordered to participate in competency 5240
attainment services that require the child to live for some but 5241
not all of the duration of the services in a residential setting 5242
that is operated solely or in part for the purpose of providing 5243
competency attainment services, the child shall participate in 5244
the competency attainment services for not longer than the 5245
relevant period set forth in division (D) (2) (b) of this section. 5246
For the purpose of calculating a time period under division (D) 5247
(2) (d) of this section, two days of participation in a 5248
nonresidential setting shall equal one day of participation in a 5249
residential setting. 5250

(3) A child who receives competency attainment services in 5251
a residential setting that is operated solely or partly for the 5252
purpose of providing competency attainment services is in 5253

detention for purposes of section 2921.34 and division (B) of 5254
section 2152.18 of the Revised Code during the time that the 5255
child resides in the residential setting. 5256

(E) (1) Within ten business days after the court names the 5257
provider responsible for the child's competency attainment 5258
services under division (D) of this section, the court shall 5259
deliver to that provider a copy of each competency assessment 5260
report it has received for review. The provider shall return the 5261
copies of the reports to the court upon the termination of the 5262
services. 5263

(2) Not later than thirty calendar days after the child 5264
contacts the competency attainment services provider under 5265
division (C) of this section, the provider shall submit to the 5266
court a plan for the child to attain competency. The court shall 5267
provide copies of the plan to the prosecuting attorney, the 5268
child's attorney, the child's guardian ad litem, if any, and the 5269
child's parents, guardian, or custodian. 5270

(F) The provider that provides the child's competency 5271
attainment services pursuant to the competency attainment plan 5272
shall submit reports to the court on the following schedule: 5273

(1) A report on the child's progress every thirty calendar 5274
days and on the termination of services. The report shall not 5275
include any details of the alleged offense as reported by the 5276
child. 5277

(2) If the provider determines that the child is not 5278
cooperating to a degree that would allow the services to be 5279
effective to help the child attain competency, a report 5280
informing the court of the determination within three business 5281
days after making the determination; 5282

(3) If the provider determines that the current setting is 5283
no longer the least restrictive setting that is consistent with 5284
the child's ability to attain competency and the safety of both 5285
the child and the community, a report informing the court of the 5286
determination within three business days after making the 5287
determination; 5288

(4) If the provider determines that the child has achieved 5289
the goals of the plan and would be able to understand the nature 5290
and objectives of the proceeding against the child and to assist 5291
in the child's defense, with or without reasonable 5292
accommodations to meet the criteria set forth in division (B) of 5293
section 2152.56 of the Revised Code, a report informing the 5294
court of that determination within three business days after 5295
making the determination. If the provider believes that 5296
accommodations would be necessary or desirable, the report shall 5297
include recommendations for accommodations. 5298

(5) If the provider determines that the child will not 5299
achieve the goals of the plan within the applicable period of 5300
time under division (D)(2) of this section, a report informing 5301
the court of the determination within three business days after 5302
making the determination. The report shall include 5303
recommendations for services for the child that would support 5304
the safety of the child or the community. 5305

(G) The court shall provide copies of any report made 5306
under division (F) of this section to the prosecuting attorney, 5307
the child's attorney, and the child's guardian ad litem, if any. 5308
The court shall provide copies of any report made under division 5309
(F) of this section to the child's parents, guardian, or 5310
custodian unless the court finds that doing so is not in the 5311
best interest of the child. 5312

(H) (1) Within fifteen business days after receiving a 5313
report under division (F) of this section, the court may hold a 5314
hearing to determine if a new order is necessary. To assist in 5315
making a determination under division (H) of this section, the 5316
court may order a new competency evaluation in accordance with 5317
section 2152.53 of the Revised Code. Until a new order is issued 5318
or the required period of participation expires, the child shall 5319
continue to participate in competency attainment services. 5320

(2) If after a hearing held under division (H) (1) of this 5321
section the court determines that the child is not making 5322
progress toward competency or is so uncooperative that 5323
attainment services cannot be effective, the court may order a 5324
change in setting or services that would help the child attain 5325
competency within the relevant period of time under division (D) 5326
(2) of this section. 5327

(3) If after a hearing held under division (H) (1) of this 5328
section the court determines that the child has not or will not 5329
attain competency within the relevant period of time under 5330
division (D) (2) of this section, the court shall dismiss the 5331
delinquency complaint without prejudice, except that the court 5332
may delay dismissal for up to ninety calendar days and do either 5333
of the following: 5334

(a) Refer the matter to a public children services agency 5335
and request that agency determine whether to file an action in 5336
accordance with section 2151.27 of the Revised Code alleging 5337
that the child is a ~~dependent, neglected, or abused child in~~ 5338
need of protective services; 5339

(b) Assign court staff to refer the child or the child's 5340
family to the local family and children first council or an 5341
agency funded by the department of mental health and addiction 5342

services or department of developmental disabilities or 5343
otherwise secure services to reduce the potential that the child 5344
would engage in behavior that could result in delinquency or 5345
other criminal charges. 5346

(4) A dismissal under division (H)(3) of this section does 5347
not preclude a future delinquent child proceeding or criminal 5348
prosecution as provided under section 2151.23 of the Revised 5349
Code if the child eventually attains competency. 5350

(5) If after a hearing held under division (H)(1) of this 5351
section the court determines that the child has attained 5352
competency, the court shall proceed with the delinquent child's 5353
proceeding in accordance with division (A) of this section. 5354

(6) A dismissal under this section does not bar a civil 5355
action based on the acts or omissions that formed the basis of 5356
the complaint. 5357

Sec. 2152.71. (A)(1) The juvenile court shall maintain 5358
records of all official cases brought before it, including, but 5359
not limited to, an appearance docket, a journal, and, in cases 5360
pertaining to an alleged delinquent child, arrest and custody 5361
records, complaints, journal entries, and hearing summaries. The 5362
court shall maintain a separate docket for traffic cases and 5363
shall record all traffic cases on the separate docket instead of 5364
on the general appearance docket. The parents, guardian, or 5365
other custodian of any child affected, if they are living, or 5366
the nearest of kin of the child, if the parents are deceased, 5367
may inspect these records, either in person or by counsel, 5368
during the hours in which the court is open. Division (A)(1) of 5369
this section does not require the release or authorize the 5370
inspection of arrest or incident reports, law enforcement 5371
investigatory reports or records, or witness statements. 5372

(2) The juvenile court shall send to the superintendent of 5373
the bureau of criminal identification and investigation, 5374
pursuant to section 109.57 of the Revised Code, a weekly report 5375
containing a summary of each case that has come before it and 5376
that involves the disposition of a child who is a delinquent 5377
child for committing an act that would be a felony or an offense 5378
of violence if committed by an adult. 5379

(B) The clerk of the court shall maintain a statistical 5380
record that includes all of the following: 5381

(1) The number of complaints that are filed with, or 5382
indictments or information made to, the court that allege that a 5383
child is a delinquent child, in relation to which the court 5384
determines under division (D) of section 2151.27 of the Revised 5385
Code that the victim of the alleged delinquent act was sixty- 5386
five years of age or older or permanently and totally disabled 5387
at the time of the alleged commission of the act; 5388

(2) The number of complaints, indictments, or information 5389
described in division (B)(1) of this section that result in the 5390
child being adjudicated a delinquent child; 5391

(3) The number of complaints, indictments, or information 5392
described in division (B)(2) of this section in which the act 5393
upon which the delinquent child adjudication is based caused 5394
property damage or would be a theft offense, as defined in 5395
division (K) of section 2913.01 of the Revised Code, if 5396
committed by an adult; 5397

(4) The number of complaints, indictments, or information 5398
described in division (B)(3) of this section that result in the 5399
delinquent child being required as an order of disposition made 5400
under division (A) of section 2152.20 of the Revised Code to 5401

make restitution for all or part of the property damage caused 5402
by the child's delinquent act or for all or part of the value of 5403
the property that was the subject of the delinquent act that 5404
would be a theft offense if committed by an adult; 5405

(5) The number of complaints, indictments, or information 5406
described in division (B)(2) of this section in which the act 5407
upon which the delinquent child adjudication is based would have 5408
been an offense of violence if committed by an adult; 5409

(6) The number of complaints, indictments, or information 5410
described in division (B)(5) of this section that result in the 5411
delinquent child being committed as an order of disposition made 5412
under section 2152.16, divisions (A) and (B) of section 2152.17, 5413
or division (A)(2) of section 2152.19 of the Revised Code to any 5414
facility for delinquent children operated by the county, a 5415
district, or a private agency or organization or to the 5416
department of youth services; 5417

(7) The number of complaints, indictments, or information 5418
described in division (B)(1) of this section that result in the 5419
case being transferred for criminal prosecution to an 5420
appropriate court having jurisdiction of the offense under 5421
section 2152.12 of the Revised Code. 5422

(C) The clerk of the court shall compile an annual summary 5423
covering the preceding calendar year showing all of the 5424
information for that year contained in the statistical record 5425
maintained under division (B) of this section. The statistical 5426
record and the annual summary shall be public records open for 5427
inspection. Neither the statistical record nor the annual 5428
summary shall include the identity of any party to a case. 5429

(D) Not later than June of each year, the court shall 5430

prepare an annual report covering the preceding calendar year 5431
showing the number and kinds of cases that have come before it, 5432
the disposition of the cases, and any other data pertaining to 5433
the work of the court that the juvenile judge directs. The court 5434
shall file copies of the report with the board of county 5435
commissioners. With the approval of the board, the court may 5436
print or cause to be printed copies of the report for 5437
distribution to persons and agencies interested in the court or 5438
community program for ~~dependent, neglected, abused~~children in 5439
need of protective services, or delinquent children and juvenile 5440
traffic offenders. The court shall include the number of copies 5441
ordered printed and the estimated cost of each printed copy on 5442
each copy of the report printed for distribution. 5443

(E) If an officer is preparing pursuant to section 2947.06 5444
or 2951.03 of the Revised Code or Criminal Rule 32.2 a 5445
presentence investigation report pertaining to a person, the 5446
court shall make available to the officer, for use in preparing 5447
the report, any records it possesses regarding any adjudications 5448
of that person as a delinquent child or regarding the 5449
dispositions made relative to those adjudications. The records 5450
to be made available pursuant to this division include, but are 5451
not limited to, any social history or report of a mental or 5452
physical examination regarding the person that was prepared 5453
pursuant to Juvenile Rule 32. 5454

Sec. 2301.03. (A) In Franklin county, the judges of the 5455
court of common pleas whose terms begin on January 1, 1953, 5456
January 2, 1953, January 5, 1969, January 5, 1977, January 2, 5457
1997, January 9, 2019, and January 3, 2021, and successors, 5458
shall have the same qualifications, exercise the same powers and 5459
jurisdiction, and receive the same compensation as other judges 5460
of the court of common pleas of Franklin county and shall be 5461

elected and designated as judges of the court of common pleas, 5462
division of domestic relations. They shall have all the powers 5463
relating to juvenile courts, and all cases under Chapters 2151. 5464
and 2152. of the Revised Code, all parentage proceedings under 5465
Chapter 3111. of the Revised Code over which the juvenile court 5466
has jurisdiction, and all divorce, dissolution of marriage, 5467
legal separation, and annulment cases shall be assigned to them. 5468
In addition to the judge's regular duties, the judge who is 5469
senior in point of service shall serve on the children services 5470
board and the county advisory board and shall be the 5471
administrator of the domestic relations division and its 5472
subdivisions and departments. 5473

(B) In Hamilton county: 5474

(1) The judge of the court of common pleas, whose term 5475
begins on January 1, 1957, and successors, and the judge of the 5476
court of common pleas, whose term begins on February 14, 1967, 5477
and successors, shall be the juvenile judges as provided in 5478
Chapters 2151. and 2152. of the Revised Code, with the powers 5479
and jurisdiction conferred by those chapters. 5480

(2) The judges of the court of common pleas whose terms 5481
begin on January 5, 1957, January 16, 1981, and July 1, 1991, 5482
and successors, shall be elected and designated as judges of the 5483
court of common pleas, division of domestic relations, and shall 5484
have assigned to them all divorce, dissolution of marriage, 5485
legal separation, and annulment cases coming before the court. 5486
On or after the first day of July and before the first day of 5487
August of 1991 and each year thereafter, a majority of the 5488
judges of the division of domestic relations shall elect one of 5489
the judges of the division as administrative judge of that 5490
division. If a majority of the judges of the division of 5491

domestic relations are unable for any reason to elect an 5492
administrative judge for the division before the first day of 5493
August, a majority of the judges of the Hamilton county court of 5494
common pleas, as soon as possible after that date, shall elect 5495
one of the judges of the division of domestic relations as 5496
administrative judge of that division. The term of the 5497
administrative judge shall begin on the earlier of the first day 5498
of August of the year in which the administrative judge is 5499
elected or the date on which the administrative judge is elected 5500
by a majority of the judges of the Hamilton county court of 5501
common pleas and shall terminate on the date on which the 5502
administrative judge's successor is elected in the following 5503
year. 5504

In addition to the judge's regular duties, the 5505
administrative judge of the division of domestic relations shall 5506
be the administrator of the domestic relations division and its 5507
subdivisions and departments and shall have charge of the 5508
employment, assignment, and supervision of the personnel of the 5509
division engaged in handling, servicing, or investigating 5510
divorce, dissolution of marriage, legal separation, and 5511
annulment cases, including any referees considered necessary by 5512
the judges in the discharge of their various duties. 5513

The administrative judge of the division of domestic 5514
relations also shall designate the title, compensation, expense 5515
allowances, hours, leaves of absence, and vacations of the 5516
personnel of the division, and shall fix the duties of its 5517
personnel. The duties of the personnel, in addition to those 5518
provided for in other sections of the Revised Code, shall 5519
include the handling, servicing, and investigation of divorce, 5520
dissolution of marriage, legal separation, and annulment cases 5521
and counseling and conciliation services that may be made 5522

available to persons requesting them, whether or not the persons 5523
are parties to an action pending in the division. 5524

The board of county commissioners shall appropriate the 5525
sum of money each year as will meet all the administrative 5526
expenses of the division of domestic relations, including 5527
reasonable expenses of the domestic relations judges and the 5528
division counselors and other employees designated to conduct 5529
the handling, servicing, and investigation of divorce, 5530
dissolution of marriage, legal separation, and annulment cases, 5531
conciliation and counseling, and all matters relating to those 5532
cases and counseling, and the expenses involved in the 5533
attendance of division personnel at domestic relations and 5534
welfare conferences designated by the division, and the further 5535
sum each year as will provide for the adequate operation of the 5536
division of domestic relations. 5537

The compensation and expenses of all employees and the 5538
salary and expenses of the judges shall be paid by the county 5539
treasurer from the money appropriated for the operation of the 5540
division, upon the warrant of the county auditor, certified to 5541
by the administrative judge of the division of domestic 5542
relations. 5543

The summonses, warrants, citations, subpoenas, and other 5544
writs of the division may issue to a bailiff, constable, or 5545
staff investigator of the division or to the sheriff of any 5546
county or any marshal, constable, or police officer, and the 5547
provisions of law relating to the subpoenaing of witnesses in 5548
other cases shall apply insofar as they are applicable. When a 5549
summons, warrant, citation, subpoena, or other writ is issued to 5550
an officer, other than a bailiff, constable, or staff 5551
investigator of the division, the expense of serving it shall be 5552

assessed as a part of the costs in the case involved. 5553

(3) The judge of the court of common pleas of Hamilton 5554
county whose term begins on January 3, 1997, and the successors 5555
to that judge shall each be elected and designated as the drug 5556
court judge of the court of common pleas of Hamilton county. 5557

Eligibility for admission of a case into the drug court 5558
shall be set forth in a local rule adopted by the court of 5559
common pleas of Hamilton county. The local rule specifying 5560
eligibility shall not permit referral to the drug court of a 5561
case that involves a felony of the first or second degree, a 5562
violation of any prohibition contained in Chapter 2907. of the 5563
Revised Code that is a felony of the third degree, or a 5564
violation of section 2903.01 or 2903.02 of the Revised Code. 5565

(4) If the administrative judge of the court of common 5566
pleas of Hamilton county determines that the volume of cases 5567
pending before the drug court judge does not constitute a 5568
sufficient caseload for the drug court judge, the administrative 5569
judge, in accordance with the Rules of Superintendence for 5570
Courts of Common Pleas, shall assign individual cases to the 5571
drug court judge from the general docket of the court. If the 5572
assignments so occur, the administrative judge shall cease the 5573
assignments when the administrative judge determines that the 5574
volume of cases pending before the drug court judge constitutes 5575
a sufficient caseload for the drug court judge. 5576

(C) (1) In Lorain county: 5577

(a) The judges of the court of common pleas whose terms 5578
begin on January 3, 1959, January 4, 1989, and January 2, 1999, 5579
and successors, and the judge of the court of common pleas whose 5580
term begins on February 9, 2009, shall have the same 5581

qualifications, exercise the same powers and jurisdiction, and 5582
receive the same compensation as the other judges of the court 5583
of common pleas of Lorain county and shall be elected and 5584
designated as the judges of the court of common pleas, division 5585
of domestic relations. The judges of the court of common pleas 5586
whose terms begin on January 3, 1959, January 4, 1989, and 5587
January 2, 1999, and successors, shall have all of the powers 5588
relating to juvenile courts, and all cases under Chapters 2151. 5589
and 2152. of the Revised Code, all parentage proceedings over 5590
which the juvenile court has jurisdiction, and all divorce, 5591
dissolution of marriage, legal separation, and annulment cases 5592
shall be assigned to them, except cases that for some special 5593
reason are assigned to some other judge of the court of common 5594
pleas. From February 9, 2009, through September 28, 2009, the 5595
judge of the court of common pleas whose term begins on February 5596
9, 2009, shall have all the powers relating to juvenile courts, 5597
and cases under Chapters 2151. and 2152. of the Revised Code, 5598
parentage proceedings over which the juvenile court has 5599
jurisdiction, and divorce, dissolution of marriage, legal 5600
separation, and annulment cases shall be assigned to that judge, 5601
except cases that for some special reason are assigned to some 5602
other judge of the court of common pleas. 5603

(b) From January 1, 2006, through September 28, 2009, the 5604
judges of the court of common pleas, division of domestic 5605
relations, in addition to the powers and jurisdiction set forth 5606
in division (C) (1) (a) of this section, shall have jurisdiction 5607
over matters that are within the jurisdiction of the probate 5608
court under Chapter 2101. and other provisions of the Revised 5609
Code. 5610

(c) The judge of the court of common pleas, division of 5611
domestic relations, whose term begins on February 9, 2009, is 5612

the successor to the probate judge who was elected in 2002 for a 5613
term that began on February 9, 2003. After September 28, 2009, 5614
the judge of the court of common pleas, division of domestic 5615
relations, whose term begins on February 9, 2009, shall be the 5616
probate judge. 5617

(2) (a) From February 9, 2009, through September 28, 2009, 5618
with respect to Lorain county, all references in law to the 5619
probate court shall be construed as references to the court of 5620
common pleas, division of domestic relations, and all references 5621
to the probate judge shall be construed as references to the 5622
judges of the court of common pleas, division of domestic 5623
relations. 5624

(b) From February 9, 2009, through September 28, 2009, 5625
with respect to Lorain county, all references in law to the 5626
clerk of the probate court shall be construed as references to 5627
the judge who is serving pursuant to Rule 4 of the Rules of 5628
Superintendence for the Courts of Ohio as the administrative 5629
judge of the court of common pleas, division of domestic 5630
relations. 5631

(D) In Lucas county: 5632

(1) The judges of the court of common pleas whose terms 5633
begin on January 1, 1955, and January 3, 1965, and successors, 5634
shall have the same qualifications, exercise the same powers and 5635
jurisdiction, and receive the same compensation as other judges 5636
of the court of common pleas of Lucas county and shall be 5637
elected and designated as judges of the court of common pleas, 5638
division of domestic relations. All divorce, dissolution of 5639
marriage, legal separation, and annulment cases shall be 5640
assigned to them. 5641

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

(2) The judges of the court of common pleas whose terms begin on January 5, 1977, and January 2, 1991, and successors shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code with the powers and jurisdictions conferred by those chapters. In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating juvenile cases, including any referees considered necessary by the judges of the division in the discharge of their various duties.

The judge of the court of common pleas, juvenile division, senior in point of service, also shall designate the title, compensation, expense allowance, hours, leaves of absence, and vacation of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties include the handling, servicing, and investigation of juvenile cases and counseling and conciliation services that may be made available

to persons requesting them, whether or not the persons are 5673
parties to an action pending in the division. 5674

(3) If one of the judges of the court of common pleas, 5675
division of domestic relations, or one of the judges of the 5676
juvenile division is sick, absent, or unable to perform that 5677
judge's judicial duties or the volume of cases pending in that 5678
judge's division necessitates it, the duties shall be performed 5679
by the judges of the other of those divisions. 5680

(E) In Mahoning county: 5681

(1) The judge of the court of common pleas whose term 5682
began on January 1, 1955, and successors, shall have the same 5683
qualifications, exercise the same powers and jurisdiction, and 5684
receive the same compensation as other judges of the court of 5685
common pleas of Mahoning county, shall be elected and designated 5686
as judge of the court of common pleas, division of domestic 5687
relations, and shall be assigned all the divorce, dissolution of 5688
marriage, legal separation, and annulment cases coming before 5689
the court. In addition to the judge's regular duties, the judge 5690
of the court of common pleas, division of domestic relations, 5691
shall be the administrator of the domestic relations division 5692
and its subdivisions and departments and shall have charge of 5693
the employment, assignment, and supervision of the personnel of 5694
the division engaged in handling, servicing, or investigating 5695
divorce, dissolution of marriage, legal separation, and 5696
annulment cases, including any referees considered necessary in 5697
the discharge of the various duties of the judge's office. 5698

The judge also shall designate the title, compensation, 5699
expense allowances, hours, leaves of absence, and vacations of 5700
the personnel of the division and shall fix the duties of the 5701
personnel of the division. The duties of the personnel, in 5702

addition to other statutory duties, include the handling, 5703
servicing, and investigation of divorce, dissolution of 5704
marriage, legal separation, and annulment cases and counseling 5705
and conciliation services that may be made available to persons 5706
requesting them, whether or not the persons are parties to an 5707
action pending in the division. 5708

(2) The judge of the court of common pleas whose term 5709
began on January 2, 1969, and successors, shall have the same 5710
qualifications, exercise the same powers and jurisdiction, and 5711
receive the same compensation as other judges of the court of 5712
common pleas of Mahoning county, shall be elected and designated 5713
as judge of the court of common pleas, juvenile division, and 5714
shall be the juvenile judge as provided in Chapters 2151. and 5715
2152. of the Revised Code, with the powers and jurisdictions 5716
conferred by those chapters. In addition to the judge's regular 5717
duties, the judge of the court of common pleas, juvenile 5718
division, shall be the administrator of the juvenile division 5719
and its subdivisions and departments and shall have charge of 5720
the employment, assignment, and supervision of the personnel of 5721
the division engaged in handling, servicing, or investigating 5722
juvenile cases, including any referees considered necessary by 5723
the judge in the discharge of the judge's various duties. 5724

The judge also shall designate the title, compensation, 5725
expense allowances, hours, leaves of absence, and vacation of 5726
the personnel of the division and shall fix the duties of the 5727
personnel of the division. The duties of the personnel, in 5728
addition to other statutory duties, include the handling, 5729
servicing, and investigation of juvenile cases and counseling 5730
and conciliation services that may be made available to persons 5731
requesting them, whether or not the persons are parties to an 5732
action pending in the division. 5733

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

(F) In Montgomery county:

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

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

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

In addition to the judge's regular duties, the judge of
the court of common pleas, juvenile division, senior in point of
service, shall be the administrator of the juvenile division and
its subdivisions and departments and shall have charge of the
employment, assignment, and supervision of the personnel of the
juvenile division, including any necessary referees, who are
engaged in handling, servicing, or investigating juvenile cases.
The judge, senior in point of service, also shall designate the
title, compensation, expense allowances, hours, leaves of
absence, and vacation of the personnel of the division and shall
fix their duties. The duties of the personnel, in addition to
other statutory duties, shall include the handling, servicing,
and investigation of juvenile cases and of any counseling and
conciliation services that are available upon request to
persons, whether or not they are parties to an action pending in
the division.

If one of the judges of the court of common pleas,
division of domestic relations, or one of the judges of the
court of common pleas, juvenile division, is sick, absent, or
unable to perform that judge's duties or the volume of cases
pending in that judge's division necessitates it, the duties of
that judge may be performed by the judge or judges of the other

of those divisions. 5795

(G) In Richland county: 5796

(1) The judge of the court of common pleas whose term 5797
begins on January 1, 1957, and successors, shall have the same 5798
qualifications, exercise the same powers and jurisdiction, and 5799
receive the same compensation as the other judges of the court 5800
of common pleas of Richland county and shall be elected and 5801
designated as judge of the court of common pleas, division of 5802
domestic relations. That judge shall be assigned and hear all 5803
divorce, dissolution of marriage, legal separation, and 5804
annulment cases, all domestic violence cases arising under 5805
section 3113.31 of the Revised Code, and all post-decree 5806
proceedings arising from any case pertaining to any of those 5807
matters. The division of domestic relations has concurrent 5808
jurisdiction with the juvenile division of the court of common 5809
pleas of Richland county to determine the care, custody, or 5810
control of any child not a ward of another court of this state, 5811
and to hear and determine a request for an order for the support 5812
of any child if the request is not ancillary to an action for 5813
divorce, dissolution of marriage, annulment, or legal 5814
separation, a criminal or civil action involving an allegation 5815
of domestic violence, or an action for support brought under 5816
Chapter 3115. of the Revised Code. Except in cases that are 5817
subject to the exclusive original jurisdiction of the juvenile 5818
court, the judge of the division of domestic relations shall be 5819
assigned and hear all cases pertaining to paternity or 5820
parentage, the care, custody, or control of children, parenting 5821
time or visitation, child support, or the allocation of parental 5822
rights and responsibilities for the care of children, all 5823
proceedings arising under Chapter 3111. of the Revised Code, all 5824
proceedings arising under the uniform interstate family support 5825

act contained in Chapter 3115. of the Revised Code, and all 5826
post-decree proceedings arising from any case pertaining to any 5827
of those matters. 5828

In addition to the judge's regular duties, the judge of 5829
the court of common pleas, division of domestic relations, shall 5830
be the administrator of the domestic relations division and its 5831
subdivisions and departments. The judge shall have charge of the 5832
employment, assignment, and supervision of the personnel of the 5833
domestic relations division, including any magistrates the judge 5834
considers necessary for the discharge of the judge's duties. The 5835
judge shall also designate the title, compensation, expense 5836
allowances, hours, leaves of absence, vacation, and other 5837
employment-related matters of the personnel of the division and 5838
shall fix their duties. 5839

(2) The judge of the court of common pleas whose term 5840
begins on January 3, 2005, and successors, shall have the same 5841
qualifications, exercise the same powers and jurisdiction, and 5842
receive the same compensation as other judges of the court of 5843
common pleas of Richland county, shall be elected and designated 5844
as judge of the court of common pleas, juvenile division, and 5845
shall be, and have the powers and jurisdiction of, the juvenile 5846
judge as provided in Chapters 2151. and 2152. of the Revised 5847
Code. Except in cases that are subject to the exclusive original 5848
jurisdiction of the juvenile court, the judge of the juvenile 5849
division shall not have jurisdiction or the power to hear, and 5850
shall not be assigned, any case pertaining to paternity or 5851
parentage, the care, custody, or control of children, parenting 5852
time or visitation, child support, or the allocation of parental 5853
rights and responsibilities for the care of children or any 5854
post-decree proceeding arising from any case pertaining to any 5855
of those matters. The judge of the juvenile division shall not 5856

have jurisdiction or the power to hear, and shall not be 5857
assigned, any proceeding under the uniform interstate family 5858
support act contained in Chapter 3115. of the Revised Code. 5859

In addition to the judge's regular duties, the judge of 5860
the juvenile division shall be the administrator of the juvenile 5861
division and its subdivisions and departments. The judge shall 5862
have charge of the employment, assignment, and supervision of 5863
the personnel of the juvenile division who are engaged in 5864
handling, servicing, or investigating juvenile cases, including 5865
any magistrates whom the judge considers necessary for the 5866
discharge of the judge's various duties. 5867

The judge of the juvenile division also shall designate 5868
the title, compensation, expense allowances, hours, leaves of 5869
absence, and vacation of the personnel of the division and shall 5870
fix their duties. The duties of the personnel, in addition to 5871
other statutory duties, include the handling, servicing, and 5872
investigation of juvenile cases and providing any counseling, 5873
conciliation, and mediation services that the court makes 5874
available to persons, whether or not the persons are parties to 5875
an action pending in the court, who request the services. 5876

(H) (1) In Stark county, the judges of the court of common 5877
pleas whose terms begin on January 1, 1953, January 2, 1959, and 5878
January 1, 1993, and successors, shall have the same 5879
qualifications, exercise the same powers and jurisdiction, and 5880
receive the same compensation as other judges of the court of 5881
common pleas of Stark county and shall be elected and designated 5882
as judges of the court of common pleas, family court division. 5883
They shall have all the powers relating to juvenile courts, and 5884
all cases under Chapters 2151. and 2152. of the Revised Code, 5885
all parentage proceedings over which the juvenile court has 5886

jurisdiction, and all divorce, dissolution of marriage, legal 5887
separation, and annulment cases, except cases that are assigned 5888
to some other judge of the court of common pleas for some 5889
special reason, shall be assigned to the judges. 5890

(2) The judge of the family court division, second most 5891
senior in point of service, shall have charge of the employment 5892
and supervision of the personnel of the division engaged in 5893
handling, servicing, or investigating divorce, dissolution of 5894
marriage, legal separation, and annulment cases, and necessary 5895
referees required for the judge's respective court. 5896

(3) The judge of the family court division, senior in 5897
point of service, shall be charged exclusively with the 5898
administration of sections 2151.13, 2151.16, 2151.17, and 5899
2152.71 of the Revised Code and with the assignment and division 5900
of the work of the division and the employment and supervision 5901
of all other personnel of the division, including, but not 5902
limited to, that judge's necessary referees, but excepting those 5903
employees who may be appointed by the judge second most senior 5904
in point of service. The senior judge further shall serve in 5905
every other position in which the statutes permit or require a 5906
juvenile judge to serve. 5907

(4) On and after September 29, 2015, all references in law 5908
to "the division of domestic relations," "the domestic relations 5909
division," "the domestic relations court," "the judge of the 5910
division of domestic relations," or "the judge of the domestic 5911
relations division" shall be construed, with respect to Stark 5912
county, as being references to "the family court division" or 5913
"the judge of the family court division." 5914

(I) In Summit county: 5915

(1) The judges of the court of common pleas whose terms 5916
begin on January 4, 1967, and January 6, 1993, and successors, 5917
shall have the same qualifications, exercise the same powers and 5918
jurisdiction, and receive the same compensation as other judges 5919
of the court of common pleas of Summit county and shall be 5920
elected and designated as judges of the court of common pleas, 5921
division of domestic relations. The judges of the division of 5922
domestic relations shall have assigned to them and hear all 5923
divorce, dissolution of marriage, legal separation, and 5924
annulment cases that come before the court. Except in cases that 5925
are subject to the exclusive original jurisdiction of the 5926
juvenile court, the judges of the division of domestic relations 5927
shall have assigned to them and hear all cases pertaining to 5928
paternity, custody, visitation, child support, or the allocation 5929
of parental rights and responsibilities for the care of children 5930
and all post-decree proceedings arising from any case pertaining 5931
to any of those matters. The judges of the division of domestic 5932
relations shall have assigned to them and hear all proceedings 5933
under the uniform interstate family support act contained in 5934
Chapter 3115. of the Revised Code. 5935

The judge of the division of domestic relations, senior in 5936
point of service, shall be the administrator of the domestic 5937
relations division and its subdivisions and departments and 5938
shall have charge of the employment, assignment, and supervision 5939
of the personnel of the division, including any necessary 5940
referees, who are engaged in handling, servicing, or 5941
investigating divorce, dissolution of marriage, legal 5942
separation, and annulment cases. That judge also shall designate 5943
the title, compensation, expense allowances, hours, leaves of 5944
absence, and vacations of the personnel of the division and 5945
shall fix their duties. The duties of the personnel, in addition 5946

to other statutory duties, shall include the handling, 5947
servicing, and investigation of divorce, dissolution of 5948
marriage, legal separation, and annulment cases and of any 5949
counseling and conciliation services that are available upon 5950
request to all persons, whether or not they are parties to an 5951
action pending in the division. 5952

(2) The judge of the court of common pleas whose term 5953
begins on January 1, 1955, and successors, shall have the same 5954
qualifications, exercise the same powers and jurisdiction, and 5955
receive the same compensation as other judges of the court of 5956
common pleas of Summit county, shall be elected and designated 5957
as judge of the court of common pleas, juvenile division, and 5958
shall be, and have the powers and jurisdiction of, the juvenile 5959
judge as provided in Chapters 2151. and 2152. of the Revised 5960
Code. Except in cases that are subject to the exclusive original 5961
jurisdiction of the juvenile court, the judge of the juvenile 5962
division shall not have jurisdiction or the power to hear, and 5963
shall not be assigned, any case pertaining to paternity, 5964
custody, visitation, child support, or the allocation of 5965
parental rights and responsibilities for the care of children or 5966
any post-decree proceeding arising from any case pertaining to 5967
any of those matters. The judge of the juvenile division shall 5968
not have jurisdiction or the power to hear, and shall not be 5969
assigned, any proceeding under the uniform interstate family 5970
support act contained in Chapter 3115. of the Revised Code. 5971

The juvenile judge shall be the administrator of the 5972
juvenile division and its subdivisions and departments and shall 5973
have charge of the employment, assignment, and supervision of 5974
the personnel of the juvenile division, including any necessary 5975
referees, who are engaged in handling, servicing, or 5976
investigating juvenile cases. The judge also shall designate the 5977

title, compensation, expense allowances, hours, leaves of 5978
absence, and vacation of the personnel of the division and shall 5979
fix their duties. The duties of the personnel, in addition to 5980
other statutory duties, shall include the handling, servicing, 5981
and investigation of juvenile cases and of any counseling and 5982
conciliation services that are available upon request to 5983
persons, whether or not they are parties to an action pending in 5984
the division. 5985

(J) In Trumbull county, the judges of the court of common 5986
pleas whose terms begin on January 1, 1953, and January 2, 1977, 5987
and successors, shall have the same qualifications, exercise the 5988
same powers and jurisdiction, and receive the same compensation 5989
as other judges of the court of common pleas of Trumbull county 5990
and shall be elected and designated as judges of the court of 5991
common pleas, division of domestic relations. They shall have 5992
all the powers relating to juvenile courts, and all cases under 5993
Chapters 2151. and 2152. of the Revised Code, all parentage 5994
proceedings over which the juvenile court has jurisdiction, and 5995
all divorce, dissolution of marriage, legal separation, and 5996
annulment cases shall be assigned to them, except cases that for 5997
some special reason are assigned to some other judge of the 5998
court of common pleas. 5999

(K) In Butler county: 6000

(1) The judges of the court of common pleas whose terms 6001
begin on January 1, 1957, and January 4, 1993, and successors, 6002
shall have the same qualifications, exercise the same powers and 6003
jurisdiction, and receive the same compensation as other judges 6004
of the court of common pleas of Butler county and shall be 6005
elected and designated as judges of the court of common pleas, 6006
division of domestic relations. The judges of the division of 6007

domestic relations shall have assigned to them all divorce, 6008
dissolution of marriage, legal separation, and annulment cases 6009
coming before the court, except in cases that for some special 6010
reason are assigned to some other judge of the court of common 6011
pleas. The judges of the division of domestic relations also 6012
have concurrent jurisdiction with judges of the juvenile 6013
division of the court of common pleas of Butler county with 6014
respect to and may hear cases to determine the custody, support, 6015
or custody and support of a child who is born of issue of a 6016
marriage and who is not the ward of another court of this state, 6017
cases commenced by a party of the marriage to obtain an order 6018
requiring support of any child when the request for that order 6019
is not ancillary to an action for divorce, dissolution of 6020
marriage, annulment, or legal separation, a criminal or civil 6021
action involving an allegation of domestic violence, an action 6022
for support under Chapter 3115. of the Revised Code, or an 6023
action that is within the exclusive original jurisdiction of the 6024
juvenile division of the court of common pleas of Butler county 6025
and that involves an allegation that the child is ~~an abused,~~ 6026
~~neglected, or dependent~~ a child in need of protective services, 6027
and post-decree proceedings and matters arising from those types 6028
of cases. The judge senior in point of service shall be charged 6029
with the assignment and division of the work of the division and 6030
with the employment and supervision of all other personnel of 6031
the domestic relations division. 6032

The judge senior in point of service also shall designate 6033
the title, compensation, expense allowances, hours, leaves of 6034
absence, and vacations of the personnel of the division and 6035
shall fix their duties. The duties of the personnel, in addition 6036
to other statutory duties, shall include the handling, 6037
servicing, and investigation of divorce, dissolution of 6038

marriage, legal separation, and annulment cases and providing 6039
any counseling and conciliation services that the division makes 6040
available to persons, whether or not the persons are parties to 6041
an action pending in the division, who request the services. 6042

(2) The judges of the court of common pleas whose terms 6043
begin on January 3, 1987, and January 2, 2003, and successors, 6044
shall have the same qualifications, exercise the same powers and 6045
jurisdiction, and receive the same compensation as other judges 6046
of the court of common pleas of Butler county, shall be elected 6047
and designated as judges of the court of common pleas, juvenile 6048
division, and shall be the juvenile judges as provided in 6049
Chapters 2151. and 2152. of the Revised Code, with the powers 6050
and jurisdictions conferred by those chapters. Except in cases 6051
that are subject to the exclusive original jurisdiction of the 6052
juvenile court, the judges of the juvenile division shall not 6053
have jurisdiction or the power to hear and shall not be 6054
assigned, but shall have the limited ability and authority to 6055
certify, any case commenced by a party of a marriage to 6056
determine the custody, support, or custody and support of a 6057
child who is born of issue of the marriage and who is not the 6058
ward of another court of this state when the request for the 6059
order in the case is not ancillary to an action for divorce, 6060
dissolution of marriage, annulment, or legal separation. The 6061
judge of the court of common pleas, juvenile division, who is 6062
senior in point of service, shall be the administrator of the 6063
juvenile division and its subdivisions and departments. The 6064
judge, senior in point of service, shall have charge of the 6065
employment, assignment, and supervision of the personnel of the 6066
juvenile division who are engaged in handling, servicing, or 6067
investigating juvenile cases, including any referees whom the 6068
judge considers necessary for the discharge of the judge's 6069

various duties. 6070

The judge, senior in point of service, also shall 6071
designate the title, compensation, expense allowances, hours, 6072
leaves of absence, and vacation of the personnel of the division 6073
and shall fix their duties. The duties of the personnel, in 6074
addition to other statutory duties, include the handling, 6075
servicing, and investigation of juvenile cases and providing any 6076
counseling and conciliation services that the division makes 6077
available to persons, whether or not the persons are parties to 6078
an action pending in the division, who request the services. 6079

(3) If a judge of the court of common pleas, division of 6080
domestic relations or juvenile division, is sick, absent, or 6081
unable to perform that judge's judicial duties or the volume of 6082
cases pending in the judge's division necessitates it, the 6083
duties of that judge shall be performed by the other judges of 6084
the domestic relations and juvenile divisions. 6085

(L) (1) In Cuyahoga county, the judges of the court of 6086
common pleas whose terms begin on January 8, 1961, January 9, 6087
1961, January 18, 1975, January 19, 1975, and January 13, 1987, 6088
and successors, shall have the same qualifications, exercise the 6089
same powers and jurisdiction, and receive the same compensation 6090
as other judges of the court of common pleas of Cuyahoga county 6091
and shall be elected and designated as judges of the court of 6092
common pleas, division of domestic relations. They shall have 6093
all the powers relating to all divorce, dissolution of marriage, 6094
legal separation, and annulment cases, except in cases that are 6095
assigned to some other judge of the court of common pleas for 6096
some special reason. 6097

(2) The administrative judge is administrator of the 6098
domestic relations division and its subdivisions and departments 6099

and has the following powers concerning division personnel: 6100

(a) Full charge of the employment, assignment, and 6101
supervision; 6102

(b) Sole determination of compensation, duties, expenses, 6103
allowances, hours, leaves, and vacations. 6104

(3) "Division personnel" include persons employed or 6105
referees engaged in hearing, servicing, investigating, 6106
counseling, or conciliating divorce, dissolution of marriage, 6107
legal separation and annulment matters. 6108

(M) In Lake county: 6109

(1) The judge of the court of common pleas whose term 6110
begins on January 2, 1961, and successors, shall have the same 6111
qualifications, exercise the same powers and jurisdiction, and 6112
receive the same compensation as the other judges of the court 6113
of common pleas of Lake county and shall be elected and 6114
designated as judge of the court of common pleas, division of 6115
domestic relations. The judge shall be assigned all the divorce, 6116
dissolution of marriage, legal separation, and annulment cases 6117
coming before the court, except in cases that for some special 6118
reason are assigned to some other judge of the court of common 6119
pleas. The judge shall be charged with the assignment and 6120
division of the work of the division and with the employment and 6121
supervision of all other personnel of the domestic relations 6122
division. 6123

The judge also shall designate the title, compensation, 6124
expense allowances, hours, leaves of absence, and vacations of 6125
the personnel of the division and shall fix their duties. The 6126
duties of the personnel, in addition to other statutory duties, 6127
shall include the handling, servicing, and investigation of 6128

divorce, dissolution of marriage, legal separation, and 6129
annulment cases and providing any counseling and conciliation 6130
services that the division makes available to persons, whether 6131
or not the persons are parties to an action pending in the 6132
division, who request the services. 6133

(2) The judge of the court of common pleas whose term 6134
begins on January 4, 1979, and successors, shall have the same 6135
qualifications, exercise the same powers and jurisdiction, and 6136
receive the same compensation as other judges of the court of 6137
common pleas of Lake county, shall be elected and designated as 6138
judge of the court of common pleas, juvenile division, and shall 6139
be the juvenile judge as provided in Chapters 2151. and 2152. of 6140
the Revised Code, with the powers and jurisdictions conferred by 6141
those chapters. The judge of the court of common pleas, juvenile 6142
division, shall be the administrator of the juvenile division 6143
and its subdivisions and departments. The judge shall have 6144
charge of the employment, assignment, and supervision of the 6145
personnel of the juvenile division who are engaged in handling, 6146
servicing, or investigating juvenile cases, including any 6147
referees whom the judge considers necessary for the discharge of 6148
the judge's various duties. 6149

The judge also shall designate the title, compensation, 6150
expense allowances, hours, leaves of absence, and vacation of 6151
the personnel of the division and shall fix their duties. The 6152
duties of the personnel, in addition to other statutory duties, 6153
include the handling, servicing, and investigation of juvenile 6154
cases and providing any counseling and conciliation services 6155
that the division makes available to persons, whether or not the 6156
persons are parties to an action pending in the division, who 6157
request the services. 6158

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

(N) In Erie county:

(1) The judge of the court of common pleas whose term begins on January 2, 1971, and the successors to that judge whose terms begin before January 2, 2007, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Erie county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall have all the powers relating to juvenile courts, and shall be assigned all cases under Chapters 2151. and 2152. of the Revised Code, parentage proceedings over which the juvenile court has jurisdiction, and divorce, dissolution of marriage, legal separation, and annulment cases, except cases that for some special reason are assigned to some other judge.

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

(2) The judge of the court of common pleas, general division, whose term begins on January 1, 2005, and successors,

the judge of the court of common pleas, general division whose 6189
term begins on January 2, 2005, and successors, and the judge of 6190
the court of common pleas, general division, whose term begins 6191
February 9, 2009, and successors, shall have assigned to them, 6192
in addition to all matters that are within the jurisdiction of 6193
the general division of the court of common pleas, all divorce, 6194
dissolution of marriage, legal separation, and annulment cases 6195
coming before the court, and all matters that are within the 6196
jurisdiction of the probate court under Chapter 2101., and other 6197
provisions, of the Revised Code. 6198

(0) In Greene county: 6199

(1) The judge of the court of common pleas whose term 6200
begins on January 1, 1961, and successors, shall have the same 6201
qualifications, exercise the same powers and jurisdiction, and 6202
receive the same compensation as the other judges of the court 6203
of common pleas of Greene county and shall be elected and 6204
designated as the judge of the court of common pleas, division 6205
of domestic relations. The judge shall be assigned all divorce, 6206
dissolution of marriage, legal separation, annulment, uniform 6207
reciprocal support enforcement, and domestic violence cases and 6208
all other cases related to domestic relations, except cases that 6209
for some special reason are assigned to some other judge of the 6210
court of common pleas. 6211

The judge shall be charged with the assignment and 6212
division of the work of the division and with the employment and 6213
supervision of all other personnel of the division. The judge 6214
also shall designate the title, compensation, hours, leaves of 6215
absence, and vacations of the personnel of the division and 6216
shall fix their duties. The duties of the personnel of the 6217
division, in addition to other statutory duties, shall include 6218

the handling, servicing, and investigation of divorce, 6219
dissolution of marriage, legal separation, and annulment cases 6220
and the provision of counseling and conciliation services that 6221
the division considers necessary and makes available to persons 6222
who request the services, whether or not the persons are parties 6223
in an action pending in the division. The compensation for the 6224
personnel shall be paid from the overall court budget and shall 6225
be included in the appropriations for the existing judges of the 6226
general division of the court of common pleas. 6227

(2) The judge of the court of common pleas whose term 6228
begins on January 1, 1995, and successors, shall have the same 6229
qualifications, exercise the same powers and jurisdiction, and 6230
receive the same compensation as the other judges of the court 6231
of common pleas of Greene county, shall be elected and 6232
designated as judge of the court of common pleas, juvenile 6233
division, and, on or after January 1, 1995, shall be the 6234
juvenile judge as provided in Chapters 2151. and 2152. of the 6235
Revised Code with the powers and jurisdiction conferred by those 6236
chapters. The judge of the court of common pleas, juvenile 6237
division, shall be the administrator of the juvenile division 6238
and its subdivisions and departments. The judge shall have 6239
charge of the employment, assignment, and supervision of the 6240
personnel of the juvenile division who are engaged in handling, 6241
servicing, or investigating juvenile cases, including any 6242
referees whom the judge considers necessary for the discharge of 6243
the judge's various duties. 6244

The judge also shall designate the title, compensation, 6245
expense allowances, hours, leaves of absence, and vacation of 6246
the personnel of the division and shall fix their duties. The 6247
duties of the personnel, in addition to other statutory duties, 6248
include the handling, servicing, and investigation of juvenile 6249

cases and providing any counseling and conciliation services 6250
that the court makes available to persons, whether or not the 6251
persons are parties to an action pending in the court, who 6252
request the services. 6253

(3) If one of the judges of the court of common pleas, 6254
general division, is sick, absent, or unable to perform that 6255
judge's judicial duties or the volume of cases pending in the 6256
general division necessitates it, the duties of that judge of 6257
the general division shall be performed by the judge of the 6258
division of domestic relations and the judge of the juvenile 6259
division. 6260

(P) In Portage county, the judge of the court of common 6261
pleas, whose term begins January 2, 1987, and successors, shall 6262
have the same qualifications, exercise the same powers and 6263
jurisdiction, and receive the same compensation as the other 6264
judges of the court of common pleas of Portage county and shall 6265
be elected and designated as judge of the court of common pleas, 6266
division of domestic relations. The judge shall be assigned all 6267
divorce, dissolution of marriage, legal separation, and 6268
annulment cases, all cases arising under Chapter 3111. of the 6269
Revised Code, all proceedings involving child support, the 6270
allocation of parental rights and responsibilities for the care 6271
of children and the designation for the children of a place of 6272
residence and legal custodian, parenting time, and visitation, 6273
all proceedings arising under the uniform interstate family 6274
support act contained in Chapter 3115. of the Revised Code, all 6275
proceedings arising under sections 3119.96 to 3119.967 of the 6276
Revised Code, all proceedings arising under the uniform child 6277
custody jurisdiction and enforcement act contained in Chapter 6278
3127. of the Revised Code, and all post-decree proceedings and 6279
matters arising from those cases and proceedings, except in 6280

cases that for some special reason are assigned to some other 6281
judge of the court of common pleas. The judge shall be charged 6282
with the assignment and division of the work of the division and 6283
with the employment and supervision of all other personnel of 6284
the domestic relations division. 6285

The judge also shall designate the title, compensation, 6286
expense allowances, hours, leaves of absence, and vacations of 6287
the personnel of the division and shall fix their duties. The 6288
duties of the personnel, in addition to other statutory duties, 6289
shall include the handling, servicing, and investigation of 6290
divorce, dissolution of marriage, legal separation, and 6291
annulment cases, cases arising under Chapter 3111. of the 6292
Revised Code, proceedings involving child support, the 6293
allocation of parental rights and responsibilities for the care 6294
of children and the designation for the children of a place of 6295
residence and legal custodian, parenting time, and visitation, 6296
proceedings arising under the uniform interstate family support 6297
act contained in Chapter 3115. of the Revised Code, proceedings 6298
arising under sections 3119.96 to 3119.967 of the Revised Code, 6299
and proceedings arising under the uniform child custody 6300
jurisdiction and enforcement act contained in Chapter 3127. of 6301
the Revised Code, and providing any counseling and conciliation 6302
services that the division makes available to persons, whether 6303
or not the persons are parties to an action pending in the 6304
division, who request the services. 6305

(Q) In Clermont county, the judge of the court of common 6306
pleas, whose term begins January 2, 1987, and successors, shall 6307
have the same qualifications, exercise the same powers and 6308
jurisdiction, and receive the same compensation as the other 6309
judges of the court of common pleas of Clermont county and shall 6310
be elected and designated as judge of the court of common pleas, 6311

division of domestic relations. The judge shall be assigned all 6312
divorce, dissolution of marriage, legal separation, and 6313
annulment cases coming before the court, except in cases that 6314
for some special reason are assigned to some other judge of the 6315
court of common pleas. The judge shall be charged with the 6316
assignment and division of the work of the division and with the 6317
employment and supervision of all other personnel of the 6318
domestic relations division. 6319

The judge also shall designate the title, compensation, 6320
expense allowances, hours, leaves of absence, and vacations of 6321
the personnel of the division and shall fix their duties. The 6322
duties of the personnel, in addition to other statutory duties, 6323
shall include the handling, servicing, and investigation of 6324
divorce, dissolution of marriage, legal separation, and 6325
annulment cases and providing any counseling and conciliation 6326
services that the division makes available to persons, whether 6327
or not the persons are parties to an action pending in the 6328
division, who request the services. 6329

(R) In Warren county, the judge of the court of common 6330
pleas, whose term begins January 1, 1987, and successors, shall 6331
have the same qualifications, exercise the same powers and 6332
jurisdiction, and receive the same compensation as the other 6333
judges of the court of common pleas of Warren county and shall 6334
be elected and designated as judge of the court of common pleas, 6335
division of domestic relations. The judge shall be assigned all 6336
divorce, dissolution of marriage, legal separation, and 6337
annulment cases coming before the court, except in cases that 6338
for some special reason are assigned to some other judge of the 6339
court of common pleas. The judge shall be charged with the 6340
assignment and division of the work of the division and with the 6341
employment and supervision of all other personnel of the 6342

domestic relations division. 6343

The judge also shall designate the title, compensation, 6344
expense allowances, hours, leaves of absence, and vacations of 6345
the personnel of the division and shall fix their duties. The 6346
duties of the personnel, in addition to other statutory duties, 6347
shall include the handling, servicing, and investigation of 6348
divorce, dissolution of marriage, legal separation, and 6349
annulment cases and providing any counseling and conciliation 6350
services that the division makes available to persons, whether 6351
or not the persons are parties to an action pending in the 6352
division, who request the services. 6353

(S) In Licking county, the judges of the court of common 6354
pleas, whose terms begin on January 1, 1991, and January 1, 6355
2005, and successors, shall have the same qualifications, 6356
exercise the same powers and jurisdiction, and receive the same 6357
compensation as the other judges of the court of common pleas of 6358
Licking county and shall be elected and designated as judges of 6359
the court of common pleas, division of domestic relations. The 6360
judges shall be assigned all divorce, dissolution of marriage, 6361
legal separation, and annulment cases, all cases arising under 6362
Chapter 3111. of the Revised Code, all proceedings involving 6363
child support, the allocation of parental rights and 6364
responsibilities for the care of children and the designation 6365
for the children of a place of residence and legal custodian, 6366
parenting time, and visitation, and all post-decree proceedings 6367
and matters arising from those cases and proceedings, except in 6368
cases that for some special reason are assigned to another judge 6369
of the court of common pleas. The administrative judge of the 6370
division of domestic relations shall be charged with the 6371
assignment and division of the work of the division and with the 6372
employment and supervision of the personnel of the division. 6373

The administrative judge of the division of domestic relations shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(T) In Allen county, the judge of the court of common pleas, whose term begins January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Allen county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special

reason are assigned to another judge of the court of common 6405
pleas. The judge shall be charged with the assignment and 6406
division of the work of the division and with the employment and 6407
supervision of the personnel of the division. 6408

The judge shall designate the title, compensation, expense 6409
allowances, hours, leaves of absence, and vacations of the 6410
personnel of the division and shall fix the duties of the 6411
personnel of the division. The duties of the personnel of the 6412
division, in addition to other statutory duties, shall include 6413
the handling, servicing, and investigation of divorce, 6414
dissolution of marriage, legal separation, and annulment cases, 6415
cases arising under Chapter 3111. of the Revised Code, and 6416
proceedings involving child support, the allocation of parental 6417
rights and responsibilities for the care of children and the 6418
designation for the children of a place of residence and legal 6419
custodian, parenting time, and visitation, and providing any 6420
counseling and conciliation services that the division makes 6421
available to persons, whether or not the persons are parties to 6422
an action pending in the division, who request the services. 6423

(U) In Medina county, the judge of the court of common 6424
pleas whose term begins January 1, 1995, and successors, shall 6425
have the same qualifications, exercise the same powers and 6426
jurisdiction, and receive the same compensation as other judges 6427
of the court of common pleas of Medina county and shall be 6428
elected and designated as judge of the court of common pleas, 6429
division of domestic relations. The judge shall be assigned all 6430
divorce, dissolution of marriage, legal separation, and 6431
annulment cases, all cases arising under Chapter 3111. of the 6432
Revised Code, all proceedings involving child support, the 6433
allocation of parental rights and responsibilities for the care 6434
of children and the designation for the children of a place of 6435

residence and legal custodian, parenting time, and visitation, 6436
and all post-decree proceedings and matters arising from those 6437
cases and proceedings, except in cases that for some special 6438
reason are assigned to another judge of the court of common 6439
pleas. The judge shall be charged with the assignment and 6440
division of the work of the division and with the employment and 6441
supervision of the personnel of the division. 6442

The judge shall designate the title, compensation, expense 6443
allowances, hours, leaves of absence, and vacations of the 6444
personnel of the division and shall fix the duties of the 6445
personnel of the division. The duties of the personnel, in 6446
addition to other statutory duties, include the handling, 6447
servicing, and investigation of divorce, dissolution of 6448
marriage, legal separation, and annulment cases, cases arising 6449
under Chapter 3111. of the Revised Code, and proceedings 6450
involving child support, the allocation of parental rights and 6451
responsibilities for the care of children and the designation 6452
for the children of a place of residence and legal custodian, 6453
parenting time, and visitation, and providing counseling and 6454
conciliation services that the division makes available to 6455
persons, whether or not the persons are parties to an action 6456
pending in the division, who request the services. 6457

(V) In Fairfield county, the judge of the court of common 6458
pleas whose term begins January 2, 1995, and successors, shall 6459
have the same qualifications, exercise the same powers and 6460
jurisdiction, and receive the same compensation as the other 6461
judges of the court of common pleas of Fairfield county and 6462
shall be elected and designated as judge of the court of common 6463
pleas, division of domestic relations. The judge shall be 6464
assigned all divorce, dissolution of marriage, legal separation, 6465
and annulment cases, all cases arising under Chapter 3111. of 6466

the Revised Code, all proceedings involving child support, the 6467
allocation of parental rights and responsibilities for the care 6468
of children and the designation for the children of a place of 6469
residence and legal custodian, parenting time, and visitation, 6470
and all post-decree proceedings and matters arising from those 6471
cases and proceedings, except in cases that for some special 6472
reason are assigned to another judge of the court of common 6473
pleas. The judge also has concurrent jurisdiction with the 6474
probate-juvenile division of the court of common pleas of 6475
Fairfield county with respect to and may hear cases to determine 6476
the custody of a child, as defined in section 2151.011 of the 6477
Revised Code, who is not the ward of another court of this 6478
state, cases that are commenced by a parent, guardian, or 6479
custodian of a child, as defined in section 2151.011 of the 6480
Revised Code, to obtain an order requiring a parent of the child 6481
to pay child support for that child when the request for that 6482
order is not ancillary to an action for divorce, dissolution of 6483
marriage, annulment, or legal separation, a criminal or civil 6484
action involving an allegation of domestic violence, an action 6485
for support under Chapter 3115. of the Revised Code, or an 6486
action that is within the exclusive original jurisdiction of the 6487
probate-juvenile division of the court of common pleas of 6488
Fairfield county and that involves an allegation that the child 6489
is ~~an abused, neglected, or dependent~~ a child in need of 6490
protective services, and post-decree proceedings and matters 6491
arising from those types of cases. 6492

The judge of the domestic relations division shall be 6493
charged with the assignment and division of the work of the 6494
division and with the employment and supervision of the 6495
personnel of the division. 6496

The judge shall designate the title, compensation, expense 6497

allowances, hours, leaves of absence, and vacations of the 6498
personnel of the division and shall fix the duties of the 6499
personnel of the division. The duties of the personnel of the 6500
division, in addition to other statutory duties, shall include 6501
the handling, servicing, and investigation of divorce, 6502
dissolution of marriage, legal separation, and annulment cases, 6503
cases arising under Chapter 3111. of the Revised Code, and 6504
proceedings involving child support, the allocation of parental 6505
rights and responsibilities for the care of children and the 6506
designation for the children of a place of residence and legal 6507
custodian, parenting time, and visitation, and providing any 6508
counseling and conciliation services that the division makes 6509
available to persons, regardless of whether the persons are 6510
parties to an action pending in the division, who request the 6511
services. When the judge hears a case to determine the custody 6512
of a child, as defined in section 2151.011 of the Revised Code, 6513
who is not the ward of another court of this state or a case 6514
that is commenced by a parent, guardian, or custodian of a 6515
child, as defined in section 2151.011 of the Revised Code, to 6516
obtain an order requiring a parent of the child to pay child 6517
support for that child when the request for that order is not 6518
ancillary to an action for divorce, dissolution of marriage, 6519
annulment, or legal separation, a criminal or civil action 6520
involving an allegation of domestic violence, an action for 6521
support under Chapter 3115. of the Revised Code, or an action 6522
that is within the exclusive original jurisdiction of the 6523
probate-juvenile division of the court of common pleas of 6524
Fairfield county and that involves an allegation that the child 6525
is ~~an abused, neglected, or dependent~~ a child in need of 6526
protective services, the duties of the personnel of the domestic 6527
relations division also include the handling, servicing, and 6528
investigation of those types of cases. 6529

(W) (1) In Clark county, the judge of the court of common 6530
pleas whose term begins on January 2, 1995, and successors, 6531
shall have the same qualifications, exercise the same powers and 6532
jurisdiction, and receive the same compensation as other judges 6533
of the court of common pleas of Clark county and shall be 6534
elected and designated as judge of the court of common pleas, 6535
domestic relations division. The judge shall have all the powers 6536
relating to juvenile courts, and all cases under Chapters 2151. 6537
and 2152. of the Revised Code and all parentage proceedings 6538
under Chapter 3111. of the Revised Code over which the juvenile 6539
court has jurisdiction shall be assigned to the judge of the 6540
division of domestic relations. All divorce, dissolution of 6541
marriage, legal separation, annulment, uniform reciprocal 6542
support enforcement, and other cases related to domestic 6543
relations shall be assigned to the domestic relations division, 6544
and the presiding judge of the court of common pleas shall 6545
assign the cases to the judge of the domestic relations division 6546
and the judges of the general division. 6547

(2) In addition to the judge's regular duties, the judge 6548
of the division of domestic relations shall serve on the 6549
children services board and the county advisory board. 6550

(3) If the judge of the court of common pleas of Clark 6551
county, division of domestic relations, is sick, absent, or 6552
unable to perform that judge's judicial duties or if the 6553
presiding judge of the court of common pleas of Clark county 6554
determines that the volume of cases pending in the division of 6555
domestic relations necessitates it, the duties of the judge of 6556
the division of domestic relations shall be performed by the 6557
judges of the general division or probate division of the court 6558
of common pleas of Clark county, as assigned for that purpose by 6559
the presiding judge of that court, and the judges so assigned 6560

shall act in conjunction with the judge of the division of 6561
domestic relations of that court. 6562

(X) In Scioto county, the judge of the court of common 6563
pleas whose term begins January 2, 1995, and successors, shall 6564
have the same qualifications, exercise the same powers and 6565
jurisdiction, and receive the same compensation as other judges 6566
of the court of common pleas of Scioto county and shall be 6567
elected and designated as judge of the court of common pleas, 6568
division of domestic relations. The judge shall be assigned all 6569
divorce, dissolution of marriage, legal separation, and 6570
annulment cases, all cases arising under Chapter 3111. of the 6571
Revised Code, all proceedings involving child support, the 6572
allocation of parental rights and responsibilities for the care 6573
of children and the designation for the children of a place of 6574
residence and legal custodian, parenting time, visitation, and 6575
all post-decree proceedings and matters arising from those cases 6576
and proceedings, except in cases that for some special reason 6577
are assigned to another judge of the court of common pleas. The 6578
judge shall be charged with the assignment and division of the 6579
work of the division and with the employment and supervision of 6580
the personnel of the division. 6581

The judge shall designate the title, compensation, expense 6582
allowances, hours, leaves of absence, and vacations of the 6583
personnel of the division and shall fix the duties of the 6584
personnel of the division. The duties of the personnel, in 6585
addition to other statutory duties, include the handling, 6586
servicing, and investigation of divorce, dissolution of 6587
marriage, legal separation, and annulment cases, cases arising 6588
under Chapter 3111. of the Revised Code, and proceedings 6589
involving child support, the allocation of parental rights and 6590
responsibilities for the care of children and the designation 6591

for the children of a place of residence and legal custodian, 6592
parenting time, and visitation, and providing counseling and 6593
conciliation services that the division makes available to 6594
persons, whether or not the persons are parties to an action 6595
pending in the division, who request the services. 6596

(Y) In Auglaize county, the judge of the probate and 6597
juvenile divisions of the Auglaize county court of common pleas 6598
also shall be the administrative judge of the domestic relations 6599
division of the court and shall be assigned all divorce, 6600
dissolution of marriage, legal separation, and annulment cases 6601
coming before the court. The judge shall have all powers as 6602
administrator of the domestic relations division and shall have 6603
charge of the personnel engaged in handling, servicing, or 6604
investigating divorce, dissolution of marriage, legal 6605
separation, and annulment cases, including any referees 6606
considered necessary for the discharge of the judge's various 6607
duties. 6608

(Z) (1) In Marion county, the judge of the court of common 6609
pleas whose term begins on February 9, 1999, and the successors 6610
to that judge, shall have the same qualifications, exercise the 6611
same powers and jurisdiction, and receive the same compensation 6612
as the other judges of the court of common pleas of Marion 6613
county and shall be elected and designated as judge of the court 6614
of common pleas, domestic relations-juvenile-probate division. 6615
Except as otherwise specified in this division, that judge, and 6616
the successors to that judge, shall have all the powers relating 6617
to juvenile courts, and all cases under Chapters 2151. and 2152. 6618
of the Revised Code, all cases arising under Chapter 3111. of 6619
the Revised Code, all divorce, dissolution of marriage, legal 6620
separation, and annulment cases, all proceedings involving child 6621
support, the allocation of parental rights and responsibilities 6622

for the care of children and the designation for the children of 6623
a place of residence and legal custodian, parenting time, and 6624
visitation, and all post-decree proceedings and matters arising 6625
from those cases and proceedings shall be assigned to that judge 6626
and the successors to that judge. Except as provided in division 6627
(Z) (2) of this section and notwithstanding any other provision 6628
of any section of the Revised Code, on and after February 9, 6629
2003, the judge of the court of common pleas of Marion county 6630
whose term begins on February 9, 1999, and the successors to 6631
that judge, shall have all the powers relating to the probate 6632
division of the court of common pleas of Marion county in 6633
addition to the powers previously specified in this division, 6634
and shall exercise concurrent jurisdiction with the judge of the 6635
probate division of that court over all matters that are within 6636
the jurisdiction of the probate division of that court under 6637
Chapter 2101., and other provisions, of the Revised Code in 6638
addition to the jurisdiction of the domestic relations-juvenile- 6639
probate division of that court otherwise specified in division 6640
(Z) (1) of this section. 6641

(2) The judge of the domestic relations-juvenile-probate 6642
division of the court of common pleas of Marion county or the 6643
judge of the probate division of the court of common pleas of 6644
Marion county, whichever of those judges is senior in total 6645
length of service on the court of common pleas of Marion county, 6646
regardless of the division or divisions of service, shall serve 6647
as the clerk of the probate division of the court of common 6648
pleas of Marion county. 6649

(3) On and after February 9, 2003, all references in law 6650
to "the probate court," "the probate judge," "the juvenile 6651
court," or "the judge of the juvenile court" shall be construed, 6652
with respect to Marion county, as being references to both "the 6653

probate division" and "the domestic relations-juvenile-probate 6654
division" and as being references to both "the judge of the 6655
probate division" and "the judge of the domestic relations- 6656
juvenile-probate division." On and after February 9, 2003, all 6657
references in law to "the clerk of the probate court" shall be 6658
construed, with respect to Marion county, as being references to 6659
the judge who is serving pursuant to division (Z)(2) of this 6660
section as the clerk of the probate division of the court of 6661
common pleas of Marion county. 6662

(AA) In Muskingum county, the judge of the court of common 6663
pleas whose term begins on January 2, 2003, and successors, 6664
shall have the same qualifications, exercise the same powers and 6665
jurisdiction, and receive the same compensation as the other 6666
judges of the court of common pleas of Muskingum county and 6667
shall be elected and designated as the judge of the court of 6668
common pleas, division of domestic relations. The judge shall be 6669
assigned all divorce, dissolution of marriage, legal separation, 6670
and annulment cases, all cases arising under Chapter 3111. of 6671
the Revised Code, all proceedings involving child support, the 6672
allocation of parental rights and responsibilities for the care 6673
of children and the designation for the children of a place of 6674
residence and legal custodian, parenting time, and visitation, 6675
and all post-decree proceedings and matters arising from those 6676
cases and proceedings, except in cases that for some special 6677
reason are assigned to another judge of the court of common 6678
pleas. The judge shall be charged with the assignment and 6679
division of the work of the division and with the employment and 6680
supervision of the personnel of the division. 6681

The judge shall designate the title, compensation, expense 6682
allowances, hours, leaves of absence, and vacations of the 6683
personnel of the division and shall fix the duties of the 6684

personnel of the division. The duties of the personnel of the 6685
division, in addition to other statutory duties, shall include 6686
the handling, servicing, and investigation of divorce, 6687
dissolution of marriage, legal separation, and annulment cases, 6688
cases arising under Chapter 3111. of the Revised Code, and 6689
proceedings involving child support, the allocation of parental 6690
rights and responsibilities for the care of children and the 6691
designation for the children of a place of residence and legal 6692
custodian, parenting time, and visitation and providing any 6693
counseling and conciliation services that the division makes 6694
available to persons, whether or not the persons are parties to 6695
an action pending in the division, who request the services. 6696

(BB) In Henry county, the judge of the court of common 6697
pleas whose term begins on January 1, 2005, and successors, 6698
shall have the same qualifications, exercise the same powers and 6699
jurisdiction, and receive the same compensation as the other 6700
judge of the court of common pleas of Henry county and shall be 6701
elected and designated as the judge of the court of common 6702
pleas, division of domestic relations. The judge shall have all 6703
of the powers relating to juvenile courts, and all cases under 6704
Chapter 2151. or 2152. of the Revised Code, all parentage 6705
proceedings arising under Chapter 3111. of the Revised Code over 6706
which the juvenile court has jurisdiction, all divorce, 6707
dissolution of marriage, legal separation, and annulment cases, 6708
all proceedings involving child support, the allocation of 6709
parental rights and responsibilities for the care of children 6710
and the designation for the children of a place of residence and 6711
legal custodian, parenting time, and visitation, and all post- 6712
decree proceedings and matters arising from those cases and 6713
proceedings shall be assigned to that judge, except in cases 6714
that for some special reason are assigned to the other judge of 6715

the court of common pleas. 6716

(CC) (1) In Logan county, the judge of the court of common 6717
pleas whose term begins January 2, 2005, and the successors to 6718
that judge, shall have the same qualifications, exercise the 6719
same powers and jurisdiction, and receive the same compensation 6720
as the other judges of the court of common pleas of Logan county 6721
and shall be elected and designated as judge of the court of 6722
common pleas, family court division. Except as otherwise 6723
specified in this division, that judge, and the successors to 6724
that judge, shall have all the powers relating to juvenile 6725
courts, and all cases under Chapters 2151. and 2152. of the 6726
Revised Code, all cases arising under Chapter 3111. of the 6727
Revised Code, all divorce, dissolution of marriage, legal 6728
separation, and annulment cases, all proceedings involving child 6729
support, the allocation of parental rights and responsibilities 6730
for the care of children and designation for the children of a 6731
place of residence and legal custodian, parenting time, and 6732
visitation, and all post-decree proceedings and matters arising 6733
from those cases and proceedings shall be assigned to that judge 6734
and the successors to that judge. Notwithstanding any other 6735
provision of any section of the Revised Code, on and after 6736
January 2, 2005, the judge of the court of common pleas of Logan 6737
county whose term begins on January 2, 2005, and the successors 6738
to that judge, shall have all the powers relating to the probate 6739
division of the court of common pleas of Logan county in 6740
addition to the powers previously specified in this division and 6741
shall exercise concurrent jurisdiction with the judge of the 6742
probate division of that court over all matters that are within 6743
the jurisdiction of the probate division of that court under 6744
Chapter 2101., and other provisions, of the Revised Code in 6745
addition to the jurisdiction of the family court division of 6746

that court otherwise specified in division (CC) (1) of this 6747
section. 6748

(2) The judge of the family court division of the court of 6749
common pleas of Logan county or the probate judge of the court 6750
of common pleas of Logan county who is elected as the 6751
administrative judge of the family court division of the court 6752
of common pleas of Logan county pursuant to Rule 4 of the Rules 6753
of Superintendence shall be the clerk of the family court 6754
division of the court of common pleas of Logan county. 6755

(3) On and after April 5, 2019, all references in law to 6756
"the probate court," "the probate judge," "the juvenile court," 6757
or "the judge of the juvenile court" shall be construed, with 6758
respect to Logan county, as being references to both "the 6759
probate division" and the "family court division" and as being 6760
references to both "the judge of the probate division" and the 6761
"judge of the family court division." On and after April 5, 6762
2019, all references in law to "the clerk of the probate court" 6763
shall be construed, with respect to Logan county, as being 6764
references to the judge who is serving pursuant to division (CC) 6765
(2) of this section as the clerk of the family court division of 6766
the court of common pleas of Logan county. 6767

(DD) (1) In Champaign county, the judge of the court of 6768
common pleas whose term begins February 9, 2003, and the judge 6769
of the court of common pleas whose term begins February 10, 6770
2009, and the successors to those judges, shall have the same 6771
qualifications, exercise the same powers and jurisdiction, and 6772
receive the same compensation as the other judges of the court 6773
of common pleas of Champaign county and shall be elected and 6774
designated as judges of the court of common pleas, domestic 6775
relations-juvenile-probate division. Except as otherwise 6776

specified in this division, those judges, and the successors to 6777
those judges, shall have all the powers relating to juvenile 6778
courts, and all cases under Chapters 2151. and 2152. of the 6779
Revised Code, all cases arising under Chapter 3111. of the 6780
Revised Code, all divorce, dissolution of marriage, legal 6781
separation, and annulment cases, all proceedings involving child 6782
support, the allocation of parental rights and responsibilities 6783
for the care of children and the designation for the children of 6784
a place of residence and legal custodian, parenting time, and 6785
visitation, and all post-decree proceedings and matters arising 6786
from those cases and proceedings shall be assigned to those 6787
judges and the successors to those judges. Notwithstanding any 6788
other provision of any section of the Revised Code, on and after 6789
February 9, 2009, the judges designated by this division as 6790
judges of the court of common pleas of Champaign county, 6791
domestic relations-juvenile-probate division, and the successors 6792
to those judges, shall have all the powers relating to probate 6793
courts in addition to the powers previously specified in this 6794
division and shall exercise jurisdiction over all matters that 6795
are within the jurisdiction of probate courts under Chapter 6796
2101., and other provisions, of the Revised Code in addition to 6797
the jurisdiction of the domestic relations-juvenile-probate 6798
division otherwise specified in division (DD)(1) of this 6799
section. 6800

(2) On and after February 9, 2009, all references in law 6801
to "the probate court," "the probate judge," "the juvenile 6802
court," or "the judge of the juvenile court" shall be construed 6803
with respect to Champaign county as being references to the 6804
"domestic relations-juvenile-probate division" and as being 6805
references to the "judge of the domestic relations-juvenile- 6806
probate division." On and after February 9, 2009, all references 6807

in law to "the clerk of the probate court" shall be construed 6808
with respect to Champaign county as being references to the 6809
judge who is serving pursuant to Rule 4 of the Rules of 6810
Superintendence for the Courts of Ohio as the administrative 6811
judge of the court of common pleas, domestic relations-juvenile- 6812
probate division. 6813

(EE) In Delaware county, the judge of the court of common 6814
pleas whose term begins on January 1, 2017, and successors, 6815
shall have the same qualifications, exercise the same powers and 6816
jurisdiction, and receive the same compensation as the other 6817
judges of the court of common pleas of Delaware county and shall 6818
be elected and designated as the judge of the court of common 6819
pleas, division of domestic relations. Divorce, dissolution of 6820
marriage, legal separation, and annulment cases, including any 6821
post-decree proceedings, and cases involving questions of 6822
paternity, custody, visitation, child support, and the 6823
allocation of parental rights and responsibilities for the care 6824
of children, regardless of whether those matters arise in post- 6825
decree proceedings or involve children born between unmarried 6826
persons, shall be assigned to that judge, except cases that for 6827
some special reason are assigned to another judge of the court 6828
of common pleas. 6829

(FF) In Hardin county: 6830

(1) The judge of the court of common pleas whose term 6831
begins on January 1, 2023, and successors, shall have the same 6832
qualifications, exercise the same powers and jurisdiction, and 6833
receive the same compensation as the other judge of the court of 6834
common pleas of Hardin county and shall be elected and 6835
designated as the judge of the court of common pleas, division 6836
of domestic relations. The judge shall have all of the powers 6837

relating to juvenile courts, and all cases under Chapter 2151. 6838
or 2152. of the Revised Code, all parentage proceedings arising 6839
under Chapter 3111. of the Revised Code over which the juvenile 6840
court has jurisdiction, all divorce, dissolution of marriage, 6841
legal separation, and annulment cases, civil protection orders 6842
issued under sections 2903.214 and 3113.31 of the Revised Code, 6843
all proceedings involving child support, the allocation of 6844
parental rights and responsibilities for the care of children 6845
and the designation for the children of a place of residence and 6846
legal custodian, parenting time, and visitation, and all post- 6847
decree proceedings and matters arising from those cases and 6848
proceedings shall be assigned to that judge, except in cases 6849
that for some special reason are assigned to the other judge of 6850
the court of common pleas. 6851

(2) The judge of the court of common pleas, general 6852
division, whose term begins on February 9, 2027, and successors, 6853
shall have assigned to the judge, in addition to all matters 6854
that are within the jurisdiction of the general division of the 6855
court of common pleas, all matters that are within the 6856
jurisdiction of the probate court under Chapter 2101., and other 6857
provisions, of the Revised Code. 6858

(GG) If a judge of the court of common pleas, division of 6859
domestic relations, or juvenile judge, of any of the counties 6860
mentioned in this section is sick, absent, or unable to perform 6861
that judge's judicial duties or the volume of cases pending in 6862
the judge's division necessitates it, the duties of that judge 6863
shall be performed by another judge of the court of common pleas 6864
of that county, assigned for that purpose by the presiding judge 6865
of the court of common pleas of that county to act in place of 6866
or in conjunction with that judge, as the case may require. 6867

Sec. 2317.01. All persons are competent witnesses except 6868
those of unsound mind and children under ten years of age who 6869
appear incapable of receiving just impressions of the facts and 6870
transactions respecting which they are examined, or of relating 6871
them truly. 6872

In a hearing in ~~an abuse, neglect, or dependency~~ a child 6873
in need of protective services case, any examination made by the 6874
court to determine whether a child is a competent witness shall 6875
be conducted by the court in an office or room other than a 6876
courtroom or hearing room, shall be conducted in the presence of 6877
only those individuals considered necessary by the court for the 6878
conduct of the examination or the well-being of the child, and 6879
shall be conducted with a court reporter present. The court may 6880
allow the prosecutor, guardian ad litem, or attorney for any 6881
party to submit questions for use by the court in determining 6882
whether the child is a competent witness. 6883

Sec. 2317.02. The following persons shall not testify in 6884
certain respects: 6885

(A) (1) An attorney, concerning a communication made to the 6886
attorney by a client in that relation or concerning the 6887
attorney's advice to a client, except that the attorney may 6888
testify by express consent of the client or, if the client is 6889
deceased, by the express consent of the surviving spouse or the 6890
executor or administrator of the estate of the deceased client. 6891
However, if the client voluntarily reveals the substance of 6892
attorney-client communications in a nonprivileged context or is 6893
deemed by section 2151.421 of the Revised Code to have waived 6894
any testimonial privilege under this division, the attorney may 6895
be compelled to testify on the same subject. 6896

The testimonial privilege established under this division 6897

does not apply concerning either of the following: 6898

(a) A communication between a client in a capital case, as 6899
defined in section 2901.02 of the Revised Code, and the client's 6900
attorney if the communication is relevant to a subsequent 6901
ineffective assistance of counsel claim by the client alleging 6902
that the attorney did not effectively represent the client in 6903
the case; 6904

(b) A communication between a client who has since died 6905
and the deceased client's attorney if the communication is 6906
relevant to a dispute between parties who claim through that 6907
deceased client, regardless of whether the claims are by testate 6908
or intestate succession or by inter vivos transaction, and the 6909
dispute addresses the competency of the deceased client when the 6910
deceased client executed a document that is the basis of the 6911
dispute or whether the deceased client was a victim of fraud, 6912
undue influence, or duress when the deceased client executed a 6913
document that is the basis of the dispute. 6914

(2) An attorney, concerning a communication made to the 6915
attorney by a client in that relationship or the attorney's 6916
advice to a client, except that if the client is an insurance 6917
company, the attorney may be compelled to testify, subject to an 6918
in camera inspection by a court, about communications made by 6919
the client to the attorney or by the attorney to the client that 6920
are related to the attorney's aiding or furthering an ongoing or 6921
future commission of bad faith by the client, if the party 6922
seeking disclosure of the communications has made a prima-facie 6923
showing of bad faith, fraud, or criminal misconduct by the 6924
client. 6925

(B) (1) A physician, advanced practice registered nurse, or 6926
dentist concerning a communication made to the physician, 6927

advanced practice registered nurse, or dentist by a patient in 6928
that relation or the advice of a physician, advanced practice 6929
registered nurse, or dentist given to a patient, except as 6930
otherwise provided in this division, division (B) (2), and 6931
division (B) (3) of this section, and except that, if the patient 6932
is deemed by section 2151.421 of the Revised Code to have waived 6933
any testimonial privilege under this division, the physician or 6934
advanced practice registered nurse may be compelled to testify 6935
on the same subject. 6936

The testimonial privilege established under this division 6937
does not apply, and a physician, advanced practice registered 6938
nurse, or dentist may testify or may be compelled to testify, in 6939
any of the following circumstances: 6940

(a) In any civil action, in accordance with the discovery 6941
provisions of the Rules of Civil Procedure in connection with a 6942
civil action, or in connection with a claim under Chapter 4123. 6943
of the Revised Code, under any of the following circumstances: 6944

(i) If the patient or the guardian or other legal 6945
representative of the patient gives express consent; 6946

(ii) If the patient is deceased, the spouse of the patient 6947
or the executor or administrator of the patient's estate gives 6948
express consent; 6949

(iii) If a medical claim, dental claim, chiropractic 6950
claim, or optometric claim, as defined in section 2305.113 of 6951
the Revised Code, an action for wrongful death, any other type 6952
of civil action, or a claim under Chapter 4123. of the Revised 6953
Code is filed by the patient, the personal representative of the 6954
estate of the patient if deceased, or the patient's guardian or 6955
other legal representative. 6956

(b) In any civil action concerning court-ordered treatment 6957
or services received by a patient, if the court-ordered 6958
treatment or services were ordered as part of a case plan 6959
journalized under section 2151.412 of the Revised Code or the 6960
court-ordered treatment or services are necessary or relevant to 6961
~~dependency, neglect, or abuse~~ children in need of protective 6962
services or temporary or permanent custody proceedings under 6963
Chapter 2151. of the Revised Code. 6964

(c) In any criminal action concerning any test or the 6965
results of any test that determines the presence or 6966
concentration of alcohol, a drug of abuse, a combination of 6967
them, a controlled substance, or a metabolite of a controlled 6968
substance in the patient's whole blood, blood serum or plasma, 6969
breath, urine, or other bodily substance at any time relevant to 6970
the criminal offense in question. 6971

(d) In any criminal action against a physician, advanced 6972
practice registered nurse, or dentist. In such an action, the 6973
testimonial privilege established under this division does not 6974
prohibit the admission into evidence, in accordance with the 6975
Rules of Evidence, of a patient's medical or dental records or 6976
other communications between a patient and the physician, 6977
advanced practice registered nurse, or dentist that are related 6978
to the action and obtained by subpoena, search warrant, or other 6979
lawful means. A court that permits or compels a physician, 6980
advanced practice registered nurse, or dentist to testify in 6981
such an action or permits the introduction into evidence of 6982
patient records or other communications in such an action shall 6983
require that appropriate measures be taken to ensure that the 6984
confidentiality of any patient named or otherwise identified in 6985
the records is maintained. Measures to ensure confidentiality 6986
that may be taken by the court include sealing its records or 6987

deleting specific information from its records. 6988

(e) (i) If the communication was between a patient who has 6989
since died and the deceased patient's physician, advanced 6990
practice registered nurse, or dentist, the communication is 6991
relevant to a dispute between parties who claim through that 6992
deceased patient, regardless of whether the claims are by 6993
testate or intestate succession or by inter vivos transaction, 6994
and the dispute addresses the competency of the deceased patient 6995
when the deceased patient executed a document that is the basis 6996
of the dispute or whether the deceased patient was a victim of 6997
fraud, undue influence, or duress when the deceased patient 6998
executed a document that is the basis of the dispute. 6999

(ii) If neither the spouse of a patient nor the executor 7000
or administrator of that patient's estate gives consent under 7001
division (B) (1) (a) (ii) of this section, testimony or the 7002
disclosure of the patient's medical records by a physician, 7003
advanced practice registered nurse, dentist, or other health 7004
care provider under division (B) (1) (e) (i) of this section is a 7005
permitted use or disclosure of protected health information, as 7006
defined in 45 C.F.R. 160.103, and an authorization or 7007
opportunity to be heard shall not be required. 7008

(iii) Division (B) (1) (e) (i) of this section does not 7009
require a mental health professional to disclose psychotherapy 7010
notes, as defined in 45 C.F.R. 164.501. 7011

(iv) An interested person who objects to testimony or 7012
disclosure under division (B) (1) (e) (i) of this section may seek 7013
a protective order pursuant to Civil Rule 26. 7014

(v) A person to whom protected health information is 7015
disclosed under division (B) (1) (e) (i) of this section shall not 7016

use or disclose the protected health information for any purpose 7017
other than the litigation or proceeding for which the 7018
information was requested and shall return the protected health 7019
information to the covered entity or destroy the protected 7020
health information, including all copies made, at the conclusion 7021
of the litigation or proceeding. 7022

(2) (a) If any law enforcement officer submits a written 7023
statement to a health care provider that states that an official 7024
criminal investigation has begun regarding a specified person or 7025
that a criminal action or proceeding has been commenced against 7026
a specified person, that requests the provider to supply to the 7027
officer copies of any records the provider possesses that 7028
pertain to any test or the results of any test administered to 7029
the specified person to determine the presence or concentration 7030
of alcohol, a drug of abuse, a combination of them, a controlled 7031
substance, or a metabolite of a controlled substance in the 7032
person's whole blood, blood serum or plasma, breath, or urine at 7033
any time relevant to the criminal offense in question, and that 7034
conforms to section 2317.022 of the Revised Code, the provider, 7035
except to the extent specifically prohibited by any law of this 7036
state or of the United States, shall supply to the officer a 7037
copy of any of the requested records the provider possesses. If 7038
the health care provider does not possess any of the requested 7039
records, the provider shall give the officer a written statement 7040
that indicates that the provider does not possess any of the 7041
requested records. 7042

(b) If a health care provider possesses any records of the 7043
type described in division (B) (2) (a) of this section regarding 7044
the person in question at any time relevant to the criminal 7045
offense in question, in lieu of personally testifying as to the 7046
results of the test in question, the custodian of the records 7047

may submit a certified copy of the records, and, upon its 7048
submission, the certified copy is qualified as authentic 7049
evidence and may be admitted as evidence in accordance with the 7050
Rules of Evidence. Division (A) of section 2317.422 of the 7051
Revised Code does not apply to any certified copy of records 7052
submitted in accordance with this division. Nothing in this 7053
division shall be construed to limit the right of any party to 7054
call as a witness the person who administered the test to which 7055
the records pertain, the person under whose supervision the test 7056
was administered, the custodian of the records, the person who 7057
made the records, or the person under whose supervision the 7058
records were made. 7059

(3) (a) If the testimonial privilege described in division 7060
(B) (1) of this section does not apply as provided in division 7061
(B) (1) (a) (iii) of this section, a physician, advanced practice 7062
registered nurse, or dentist may be compelled to testify or to 7063
submit to discovery under the Rules of Civil Procedure only as 7064
to a communication made to the physician, advanced practice 7065
registered nurse, or dentist by the patient in question in that 7066
relation, or the advice of the physician, advanced practice 7067
registered nurse, or dentist given to the patient in question, 7068
that related causally or historically to physical or mental 7069
injuries that are relevant to issues in the medical claim, 7070
dental claim, chiropractic claim, or optometric claim, action 7071
for wrongful death, other civil action, or claim under Chapter 7072
4123. of the Revised Code. 7073

(b) If the testimonial privilege described in division (B) 7074
(1) of this section does not apply to a physician, advanced 7075
practice registered nurse, or dentist as provided in division 7076
(B) (1) (c) of this section, the physician, advanced practice 7077
registered nurse, or dentist, in lieu of personally testifying 7078

as to the results of the test in question, may submit a 7079
certified copy of those results, and, upon its submission, the 7080
certified copy is qualified as authentic evidence and may be 7081
admitted as evidence in accordance with the Rules of Evidence. 7082
Division (A) of section 2317.422 of the Revised Code does not 7083
apply to any certified copy of results submitted in accordance 7084
with this division. Nothing in this division shall be construed 7085
to limit the right of any party to call as a witness the person 7086
who administered the test in question, the person under whose 7087
supervision the test was administered, the custodian of the 7088
results of the test, the person who compiled the results, or the 7089
person under whose supervision the results were compiled. 7090

(4) The testimonial privilege described in division (B) (1) 7091
of this section is not waived when a communication is made by a 7092
physician or advanced practice registered nurse to a pharmacist 7093
or when there is communication between a patient and a 7094
pharmacist in furtherance of the physician-patient or advanced 7095
practice registered nurse-patient relation. 7096

(5) (a) As used in divisions (B) (1) to (4) of this section, 7097
"communication" means acquiring, recording, or transmitting any 7098
information, in any manner, concerning any facts, opinions, or 7099
statements necessary to enable a physician, advanced practice 7100
registered nurse, or dentist to diagnose, treat, prescribe, or 7101
act for a patient. A "communication" may include, but is not 7102
limited to, any medical or dental, office, or hospital 7103
communication such as a record, chart, letter, memorandum, 7104
laboratory test and results, x-ray, photograph, financial 7105
statement, diagnosis, or prognosis. 7106

(b) As used in division (B) (2) of this section, "health 7107
care provider" means a hospital, ambulatory care facility, long- 7108

term care facility, pharmacy, emergency facility, or health care practitioner. 7109
7110

(c) As used in division (B) (5) (b) of this section: 7111

(i) "Ambulatory care facility" means a facility that 7112
provides medical, diagnostic, or surgical treatment to patients 7113
who do not require hospitalization, including a dialysis center, 7114
ambulatory surgical facility, cardiac catheterization facility, 7115
diagnostic imaging center, extracorporeal shock wave lithotripsy 7116
center, home health agency, inpatient hospice, birthing center, 7117
radiation therapy center, emergency facility, and an urgent care 7118
center. "Ambulatory health care facility" does not include the 7119
private office of a physician, advanced practice registered 7120
nurse, or dentist, whether the office is for an individual or 7121
group practice. 7122

(ii) "Emergency facility" means a hospital emergency 7123
department or any other facility that provides emergency medical 7124
services. 7125

(iii) "Health care practitioner" has the same meaning as 7126
in section 4769.01 of the Revised Code. 7127

(iv) "Hospital" has the same meaning as in section 3727.01 7128
of the Revised Code. 7129

(v) "Long-term care facility" means a nursing home, 7130
residential care facility, or home for the aging, as those terms 7131
are defined in section 3721.01 of the Revised Code; a 7132
residential facility licensed under section 5119.34 of the 7133
Revised Code that provides accommodations, supervision, and 7134
personal care services for three to sixteen unrelated adults; a 7135
nursing facility, as defined in section 5165.01 of the Revised 7136
Code; a skilled nursing facility, as defined in section 5165.01 7137

of the Revised Code; and an intermediate care facility for 7138
individuals with intellectual disabilities, as defined in 7139
section 5124.01 of the Revised Code. 7140

(vi) "Pharmacy" has the same meaning as in section 4729.01 7141
of the Revised Code. 7142

(d) As used in divisions (B) (1) and (2) of this section, 7143
"drug of abuse" has the same meaning as in section 4506.01 of 7144
the Revised Code. 7145

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 7146
section apply to doctors of medicine, doctors of osteopathic 7147
medicine, doctors of podiatry, advanced practice registered 7148
nurses, and dentists. 7149

(7) Nothing in divisions (B) (1) to (6) of this section 7150
affects, or shall be construed as affecting, the immunity from 7151
civil liability conferred by section 307.628 of the Revised Code 7152
or the immunity from civil liability conferred by section 7153
2305.33 of the Revised Code upon physicians or advanced practice 7154
registered nurses who report an employee's use of a drug of 7155
abuse, or a condition of an employee other than one involving 7156
the use of a drug of abuse, to the employer of the employee in 7157
accordance with division (B) of that section. As used in 7158
division (B) (7) of this section, "employee," "employer," and 7159
"physician" have the same meanings as in section 2305.33 of the 7160
Revised Code and "advanced practice registered nurse" has the 7161
same meaning as in section 4723.01 of the Revised Code. 7162

(C) (1) A cleric, when the cleric remains accountable to 7163
the authority of that cleric's church, denomination, or sect, 7164
concerning a confession made, or any information confidentially 7165
communicated, to the cleric for a religious counseling purpose 7166

in the cleric's professional character. The cleric may testify 7167
by express consent of the person making the communication, 7168
except when the disclosure of the information is in violation of 7169
a sacred trust and except that, if the person voluntarily 7170
testifies or is deemed by division (A) (4) (c) of section 2151.421 7171
of the Revised Code to have waived any testimonial privilege 7172
under this division, the cleric may be compelled to testify on 7173
the same subject except when disclosure of the information is in 7174
violation of a sacred trust. 7175

(2) As used in division (C) of this section: 7176

(a) "Cleric" means a member of the clergy, rabbi, priest, 7177
Christian Science practitioner, or regularly ordained, 7178
accredited, or licensed minister of an established and legally 7179
cognizable church, denomination, or sect. 7180

(b) "Sacred trust" means a confession or confidential 7181
communication made to a cleric in the cleric's ecclesiastical 7182
capacity in the course of discipline enjoined by the church to 7183
which the cleric belongs, including, but not limited to, the 7184
Catholic Church, if both of the following apply: 7185

(i) The confession or confidential communication was made 7186
directly to the cleric. 7187

(ii) The confession or confidential communication was made 7188
in the manner and context that places the cleric specifically 7189
and strictly under a level of confidentiality that is considered 7190
inviolable by canon law or church doctrine. 7191

(D) Husband or wife, concerning any communication made by 7192
one to the other, or an act done by either in the presence of 7193
the other, during coverture, unless the communication was made, 7194
or act done, in the known presence or hearing of a third person 7195

competent to be a witness; and such rule is the same if the 7196
marital relation has ceased to exist; 7197

(E) A person who assigns a claim or interest, concerning 7198
any matter in respect to which the person would not, if a party, 7199
be permitted to testify; 7200

(F) A person who, if a party, would be restricted under 7201
section 2317.03 of the Revised Code, when the property or thing 7202
is sold or transferred by an executor, administrator, guardian, 7203
trustee, heir, devisee, or legatee, shall be restricted in the 7204
same manner in any action or proceeding concerning the property 7205
or thing. 7206

(G) (1) A school guidance counselor who holds a valid 7207
educator license from the state board of education as provided 7208
for in section 3319.22 of the Revised Code, a person licensed 7209
under Chapter 4757. of the Revised Code as a licensed 7210
professional clinical counselor, licensed professional 7211
counselor, social worker, independent social worker, marriage 7212
and family therapist or independent marriage and family 7213
therapist, or registered under Chapter 4757. of the Revised Code 7214
as a social work assistant concerning a confidential 7215
communication received from a client in that relation or the 7216
person's advice to a client unless any of the following applies: 7217

(a) The communication or advice indicates clear and 7218
present danger to the client or other persons. For the purposes 7219
of this division, cases in which there are indications of 7220
present or past child abuse or neglect of the client constitute 7221
a clear and present danger. 7222

(b) The client gives express consent to the testimony. 7223

(c) If the client is deceased, the surviving spouse or the 7224

executor or administrator of the estate of the deceased client 7225
gives express consent. 7226

(d) The client voluntarily testifies, in which case the 7227
school guidance counselor or person licensed or registered under 7228
Chapter 4757. of the Revised Code may be compelled to testify on 7229
the same subject. 7230

(e) The court in camera determines that the information 7231
communicated by the client is not germane to the counselor- 7232
client, marriage and family therapist-client, or social worker- 7233
client relationship. 7234

(f) A court, in an action brought against a school, its 7235
administration, or any of its personnel by the client, rules 7236
after an in-camera inspection that the testimony of the school 7237
guidance counselor is relevant to that action. 7238

(g) The testimony is sought in a civil action and concerns 7239
court-ordered treatment or services received by a patient as 7240
part of a case plan journalized under section 2151.412 of the 7241
Revised Code or the court-ordered treatment or services are 7242
necessary or relevant to ~~dependency, neglect, or abuse~~ children 7243
in need of protective services or temporary or permanent custody 7244
proceedings under Chapter 2151. of the Revised Code. 7245

(2) Nothing in division (G) (1) of this section shall 7246
relieve a school guidance counselor or a person licensed or 7247
registered under Chapter 4757. of the Revised Code from the 7248
requirement to report information concerning child abuse or 7249
neglect under section 2151.421 of the Revised Code. 7250

(H) A mediator acting under a mediation order issued under 7251
division (A) of section 3109.052 of the Revised Code or 7252
otherwise issued in any proceeding for divorce, dissolution, 7253

legal separation, annulment, or the allocation of parental 7254
rights and responsibilities for the care of children, in any 7255
action or proceeding, other than a criminal, delinquency, ~~child-~~ 7256
~~abuse, child neglect, or dependent~~ or child in need of 7257
protective services action or proceeding, that is brought by or 7258
against either parent who takes part in mediation in accordance 7259
with the order and that pertains to the mediation process, to 7260
any information discussed or presented in the mediation process, 7261
to the allocation of parental rights and responsibilities for 7262
the care of the parents' children, or to the awarding of 7263
parenting time rights in relation to their children; 7264

(I) A communications assistant, acting within the scope of 7265
the communication assistant's authority, when providing 7266
telecommunications relay service pursuant to section 4931.06 of 7267
the Revised Code or Title II of the "Communications Act of 7268
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 7269
communication made through a telecommunications relay service. 7270
Nothing in this section shall limit the obligation of a 7271
communications assistant to divulge information or testify when 7272
mandated by federal law or regulation or pursuant to subpoena in 7273
a criminal proceeding. 7274

Nothing in this section shall limit any immunity or 7275
privilege granted under federal law or regulation. 7276

(J) (1) A chiropractor in a civil proceeding concerning a 7277
communication made to the chiropractor by a patient in that 7278
relation or the chiropractor's advice to a patient, except as 7279
otherwise provided in this division. The testimonial privilege 7280
established under this division does not apply, and a 7281
chiropractor may testify or may be compelled to testify, in any 7282
civil action, in accordance with the discovery provisions of the 7283

Rules of Civil Procedure in connection with a civil action, or	7284
in connection with a claim under Chapter 4123. of the Revised	7285
Code, under any of the following circumstances:	7286
(a) If the patient or the guardian or other legal	7287
representative of the patient gives express consent.	7288
(b) If the patient is deceased, the spouse of the patient	7289
or the executor or administrator of the patient's estate gives	7290
express consent.	7291
(c) If a medical claim, dental claim, chiropractic claim,	7292
or optometric claim, as defined in section 2305.113 of the	7293
Revised Code, an action for wrongful death, any other type of	7294
civil action, or a claim under Chapter 4123. of the Revised Code	7295
is filed by the patient, the personal representative of the	7296
estate of the patient if deceased, or the patient's guardian or	7297
other legal representative.	7298
(2) If the testimonial privilege described in division (J)	7299
(1) of this section does not apply as provided in division (J)	7300
(1)(c) of this section, a chiropractor may be compelled to	7301
testify or to submit to discovery under the Rules of Civil	7302
Procedure only as to a communication made to the chiropractor by	7303
the patient in question in that relation, or the chiropractor's	7304
advice to the patient in question, that related causally or	7305
historically to physical or mental injuries that are relevant to	7306
issues in the medical claim, dental claim, chiropractic claim,	7307
or optometric claim, action for wrongful death, other civil	7308
action, or claim under Chapter 4123. of the Revised Code.	7309
(3) The testimonial privilege established under this	7310
division does not apply, and a chiropractor may testify or be	7311
compelled to testify, in any criminal action or administrative	7312

proceeding. 7313

(4) As used in this division, "communication" means 7314
acquiring, recording, or transmitting any information, in any 7315
manner, concerning any facts, opinions, or statements necessary 7316
to enable a chiropractor to diagnose, treat, or act for a 7317
patient. A communication may include, but is not limited to, any 7318
chiropractic, office, or hospital communication such as a 7319
record, chart, letter, memorandum, laboratory test and results, 7320
x-ray, photograph, financial statement, diagnosis, or prognosis. 7321

(K) (1) Except as provided under division (K) (2) of this 7322
section, a critical incident stress management team member 7323
concerning a communication received from an individual who 7324
receives crisis response services from the team member, or the 7325
team member's advice to the individual, during a debriefing 7326
session. 7327

(2) The testimonial privilege established under division 7328
(K) (1) of this section does not apply if any of the following 7329
are true: 7330

(a) The communication or advice indicates clear and 7331
present danger to the individual who receives crisis response 7332
services or to other persons. For purposes of this division, 7333
cases in which there are indications of present or past child 7334
abuse or neglect of the individual constitute a clear and 7335
present danger. 7336

(b) The individual who received crisis response services 7337
gives express consent to the testimony. 7338

(c) If the individual who received crisis response 7339
services is deceased, the surviving spouse or the executor or 7340
administrator of the estate of the deceased individual gives 7341

express consent. 7342

(d) The individual who received crisis response services 7343
voluntarily testifies, in which case the team member may be 7344
compelled to testify on the same subject. 7345

(e) The court in camera determines that the information 7346
communicated by the individual who received crisis response 7347
services is not germane to the relationship between the 7348
individual and the team member. 7349

(f) The communication or advice pertains or is related to 7350
any criminal act. 7351

(3) As used in division (K) of this section: 7352

(a) "Crisis response services" means consultation, risk 7353
assessment, referral, and on-site crisis intervention services 7354
provided by a critical incident stress management team to 7355
individuals affected by crisis or disaster. 7356

(b) "Critical incident stress management team member" or 7357
"team member" means an individual specially trained to provide 7358
crisis response services as a member of an organized community 7359
or local crisis response team that holds membership in the Ohio 7360
critical incident stress management network. 7361

(c) "Debriefing session" means a session at which crisis 7362
response services are rendered by a critical incident stress 7363
management team member during or after a crisis or disaster. 7364

(L) (1) Subject to division (L) (2) of this section and 7365
except as provided in division (L) (3) of this section, an 7366
employee assistance professional, concerning a communication 7367
made to the employee assistance professional by a client in the 7368
employee assistance professional's official capacity as an 7369

employee assistance professional.	7370
(2) Division (L)(1) of this section applies to an employee assistance professional who meets either or both of the following requirements:	7371 7372 7373
(a) Is certified by the employee assistance certification commission to engage in the employee assistance profession;	7374 7375
(b) Has education, training, and experience in all of the following:	7376 7377
(i) Providing workplace-based services designed to address employer and employee productivity issues;	7378 7379
(ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve personal problems that affect the employees or the employees' performance;	7380 7381 7382 7383
(iii) Identifying and resolving productivity problems associated with an employee's concerns about any of the following matters: health, marriage, family, finances, substance abuse or other addiction, workplace, law, and emotional issues;	7384 7385 7386 7387
(iv) Selecting and evaluating available community resources;	7388 7389
(v) Making appropriate referrals;	7390
(vi) Local and national employee assistance agreements;	7391
(vii) Client confidentiality.	7392
(3) Division (L)(1) of this section does not apply to any of the following:	7393 7394
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the	7395 7396

employee assistance professional's disclosure or testimony 7397
relates directly to the facts or immediate circumstances of the 7398
offense; 7399

(b) A communication made by a client to an employee 7400
assistance professional that reveals the contemplation or 7401
commission of a crime or serious, harmful act; 7402

(c) A communication that is made by a client who is an 7403
unemancipated minor or an adult adjudicated to be incompetent 7404
and indicates that the client was the victim of a crime or 7405
abuse; 7406

(d) A civil proceeding to determine an individual's mental 7407
competency or a criminal action in which a plea of not guilty by 7408
reason of insanity is entered; 7409

(e) A civil or criminal malpractice action brought against 7410
the employee assistance professional; 7411

(f) When the employee assistance professional has the 7412
express consent of the client or, if the client is deceased or 7413
disabled, the client's legal representative; 7414

(g) When the testimonial privilege otherwise provided by 7415
division (L)(1) of this section is abrogated under law. 7416

Sec. 2501.02. (A) Each judge of a court of appeals shall 7417
have been admitted to practice as an attorney at law in this 7418
state for at least one year preceding the judge's appointment or 7419
commencement of the judge's term and, for a total of six years 7420
preceding the judge's appointment or commencement of the judge's 7421
term, shall have either served as a judge of a court of record 7422
in any jurisdiction in the United States or done any of the 7423
following: 7424

(1) Engaged in the practice of law in this state;	7425
(2) Practiced in a federal court in this state, regardless of whether at the time of that practice the person was admitted to practice as an attorney at law in this state or practiced in the courts of this state;	7426 7427 7428 7429
(3) Engaged in the authorized practice of law as in-house counsel for a business in this state or as an attorney for a government entity in this state, regardless of whether at the time of that practice the person was admitted to practice as an attorney at law in this state or practiced in the courts of this state.	7430 7431 7432 7433 7434 7435
(B) One judge shall be chosen in each court of appeals district every two years, and shall hold office for six years, beginning on the ninth day of February next after the judge's election.	7436 7437 7438 7439
(C) In addition to the original jurisdiction conferred by Section 3 of Article IV, Ohio Constitution, the court of appeals shall have jurisdiction upon an appeal upon questions of law to review, affirm, modify, set aside, or reverse judgments or final orders of courts of record inferior to the court of appeals within the district, including the finding, order, or judgment of a juvenile court that a child is delinquent, neglected, abused, or dependent, <u>or a child in need of protective services</u> for prejudicial error committed by such lower court.	7440 7441 7442 7443 7444 7445 7446 7447 7448
The court of appeals, on good cause shown, may issue writs of supersedeas in any case, and all other writs, not specially provided for or prohibited by statute, necessary to enforce the administration of justice.	7449 7450 7451 7452
Sec. 2710.05. (A) There is no privilege under section	7453

2710.03 of the Revised Code for a mediation communication to	7454
which any of the following applies:	7455
(1) The mediation communication is contained in a written	7456
agreement evidenced by a record signed by all parties to the	7457
agreement.	7458
(2) The mediation communication is available to the public	7459
under section 149.43 of the Revised Code or made during a	7460
session of a mediation that is open, or is required by law to be	7461
open, to the public;	7462
(3) The mediation communication is an imminent threat or	7463
statement of a plan to inflict bodily injury or commit a crime	7464
of violence.	7465
(4) The mediation communication is intentionally used to	7466
plan, attempt to commit, or commit a crime or to conceal an	7467
ongoing crime or ongoing criminal activity.	7468
(5) The mediation communication is sought or offered to	7469
prove or disprove a claim or complaint of professional	7470
misconduct or malpractice filed against a mediator.	7471
(6) Except as otherwise provided in division (C) of this	7472
section, the mediation communication is sought or offered to	7473
prove or disprove a claim or complaint of professional	7474
misconduct or malpractice filed against a mediation party,	7475
nonparty participant, or representative of a party based on	7476
conduct occurring during a mediation.	7477
(7) Except as provided in sections 2317.02 and 3109.052 of	7478
the Revised Code, the mediation communication is sought or	7479
offered to prove or disprove <u>an act or situation causing a child</u>	7480
<u>to be a child in need of protective services, or to prove or</u>	7481
<u>disprove</u> abuse, neglect, abandonment, or exploitation in a	7482

proceeding in which ~~a child or an~~ adult protective services 7483
agency is a party, unless the case is referred by a court to 7484
mediation and a public agency participates. 7485

(8) The mediation communication is required to be 7486
disclosed pursuant to section 2921.22 of the Revised Code. 7487

(9) The mediation communication is sought in connection 7488
with or offered in any criminal proceeding involving a felony, a 7489
delinquent child proceeding based on what would be a felony if 7490
committed by an adult, or a proceeding initiated by the state or 7491
a child protection agency in which it is alleged that a child is 7492
~~an abused, neglected, or dependent~~ a child in need of protective 7493
services. 7494

(B) There is no privilege under section 2710.03 of the 7495
Revised Code if a court, administrative agency, or arbitrator 7496
finds, after a hearing in camera, that the party seeking 7497
discovery or the proponent of the evidence has shown that the 7498
evidence is not otherwise available, that the disclosure is 7499
necessary in the particular case to prevent a manifest 7500
injustice, and that the mediation communication is sought or 7501
offered in either of the following: 7502

(1) A court proceeding involving a misdemeanor; 7503

(2) Except as otherwise provided in division (C) of this 7504
section, a proceeding to prove a claim to rescind or reform or a 7505
defense to avoid liability on a contract arising out of the 7506
mediation. 7507

(C) A mediator may not be compelled to provide evidence of 7508
a mediation communication referred to in division (A) (6) or (B) 7509
(2) of this section. 7510

(D) If a mediation communication is not privileged under 7511

division (A) or (B) of this section, only the portion of the 7512
communication necessary for the application of the exception 7513
from nondisclosure may be admitted. Admission of evidence under 7514
division (A) or (B) of this section does not render the 7515
evidence, or any other mediation communication, discoverable or 7516
admissible for any other purpose. 7517

Sec. 2919.21. (A) No person shall abandon, or fail to 7518
provide adequate support to: 7519

(1) The person's spouse, as required by law; 7520

(2) The person's child who is under age eighteen, or the 7521
persons's child with a mental or physical disability who is 7522
under age twenty-one; 7523

(3) The person's aged or infirm parent or adoptive parent, 7524
who from lack of ability and means is unable to provide 7525
adequately for the parent's own support. 7526

(B) (1) No person shall abandon, or fail to provide support 7527
as established by a court order to, another person whom, by 7528
court order or decree, the person: 7529

(a) Is legally obligated to support; or 7530

(b) Was legally obligated to support, and an amount for 7531
support: 7532

(i) Was due and owing prior to the date the person's duty 7533
to pay current support terminated; and 7534

(ii) Remains unpaid. 7535

(2) The period of limitation under section 2901.13 of the 7536
Revised Code applicable to division (B) (1) (b) of this section 7537
shall begin to run on the date the person's duty to pay current 7538

support terminates. 7539

(C) No person shall aid, abet, induce, cause, encourage, 7540
or contribute to a child or a ward of the juvenile court 7541
becoming a ~~dependent child, as defined in section 2151.04 of the~~ 7542
~~Revised Code, or a neglected child, as defined in section~~ 7543
~~2151.03 of the Revised Code in need of protective services.~~ 7544

(D) It is an affirmative defense to a charge of failure to 7545
provide adequate support under division (A) of this section or a 7546
charge of failure to provide support established by a court 7547
order under division (B) of this section that the accused was 7548
unable to provide adequate support or the established support 7549
but did provide the support that was within the accused's 7550
ability and means. 7551

(E) It is an affirmative defense to a charge under 7552
division (A) (3) of this section that the parent abandoned the 7553
accused or failed to support the accused as required by law, 7554
while the accused was under age eighteen, or had a mental or 7555
physical disability and was under age twenty-one. 7556

(F) It is not a defense to a charge under division (B) of 7557
this section that the person whom a court has ordered the 7558
accused to support is being adequately supported by someone 7559
other than the accused. 7560

(G) (1) Except as otherwise provided in this division, 7561
whoever violates division (A) or (B) of this section is guilty 7562
of nonsupport of dependents, a misdemeanor of the first degree. 7563
If the offender previously has been convicted of or pleaded 7564
guilty to a violation of division (A) (2) or (B) of this section 7565
or if the offender has failed to provide support under division 7566
(A) (2) or (B) of this section for a total accumulated period of 7567

twenty-six weeks out of one hundred four consecutive weeks, 7568
whether or not the twenty-six weeks were consecutive, then a 7569
violation of division (A) (2) or (B) of this section is a felony 7570
of the fifth degree. If the offender previously has been 7571
convicted of or pleaded guilty to a felony violation of this 7572
section, a violation of division (A) (2) or (B) of this section 7573
is a felony of the fourth degree. 7574

If the violation of division (A) or (B) of this section is 7575
a felony, all of the following apply to the sentencing of the 7576
offender: 7577

(a) Except as otherwise provided in division (G) (1) (b) of 7578
this section, the court in imposing sentence on the offender 7579
shall first consider placing the offender on one or more 7580
community control sanctions under section 2929.16, 2929.17, or 7581
2929.18 of the Revised Code, with an emphasis under the 7582
sanctions on intervention for nonsupport, obtaining or 7583
maintaining employment, or another related condition. 7584

(b) The preference for placement on community control 7585
sanctions described in division (G) (1) (a) of this section does 7586
not apply to any offender to whom one or more of the following 7587
applies: 7588

(i) The court determines that the imposition of a prison 7589
term on the offender is consistent with the purposes and 7590
principles of sentencing set forth in section 2929.11 of the 7591
Revised Code. 7592

(ii) The offender previously was convicted of or pleaded 7593
guilty to a violation of this section that was a felony, and the 7594
offender was sentenced to a prison term for that violation. 7595

(iii) The offender previously was convicted of or pleaded 7596

guilty to a violation of this section that was a felony, the 7597
offender was sentenced to one or more community control 7598
sanctions of a type described in division (G) (1) (a) of this 7599
section for that violation, and the offender failed to comply 7600
with the conditions of any of those community control sanctions. 7601

(2) If the offender is guilty of nonsupport of dependents 7602
by reason of failing to provide support to the offender's child 7603
as required by a child support order issued on or after April 7604
15, 1985, pursuant to section 2151.23, 2151.231, 2151.232, 7605
2151.33, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31, 3115.401, 7606
or former section 3115.31 of the Revised Code, the court, in 7607
addition to any other sentence imposed, shall assess all court 7608
costs arising out of the charge against the person and require 7609
the person to pay any reasonable attorney's fees of any adverse 7610
party other than the state, as determined by the court, that 7611
arose in relation to the charge. 7612

(3) Whoever violates division (C) of this section is 7613
guilty of contributing to the nonsupport of dependents, a 7614
misdemeanor of the first degree. Each day of violation of 7615
division (C) of this section is a separate offense. 7616

Sec. 2919.23. (A) No person, knowing the person is without 7617
privilege to do so or being reckless in that regard, shall 7618
entice, take, keep, or harbor a person identified in division 7619
(A) (1), (2), or (3) of this section from the parent, guardian, 7620
or custodian of the person identified in division (A) (1), (2), 7621
or (3) of this section: 7622

(1) A child under the age of eighteen, or a child with a 7623
mental or physical disability under the age of twenty-one; 7624

(2) A person committed by law to an institution for 7625

delinquent, ~~or~~ unruly, ~~neglected, abused, or dependent~~ children 7626
or children in need of protective services; 7627

(3) A person committed by law to an institution for 7628
persons with mental illnesses or an institution for persons with 7629
intellectual disabilities. 7630

(B) No person shall aid, abet, induce, cause, or encourage 7631
a child or a ward of the juvenile court who has been committed 7632
to the custody of any person, department, or public or private 7633
institution to leave the custody of that person, department, or 7634
institution without legal consent. 7635

(C) It is an affirmative defense to a charge of enticing 7636
or taking under division (A) (1) of this section, that the actor 7637
reasonably believed that the actor's conduct was necessary to 7638
preserve the child's health or safety. It is an affirmative 7639
defense to a charge of keeping or harboring under division (A) 7640
of this section, that the actor in good faith gave notice to law 7641
enforcement or judicial authorities within a reasonable time 7642
after the child or committed person came under the actor's 7643
shelter, protection, or influence. 7644

(D) (1) Whoever violates this section is guilty of 7645
interference with custody. 7646

(2) Except as otherwise provided in this division, a 7647
violation of division (A) (1) of this section is a misdemeanor of 7648
the first degree. If the child who is the subject of a violation 7649
of division (A) (1) of this section is removed from the state or 7650
if the offender previously has been convicted of an offense 7651
under this section, a violation of division (A) (1) of this 7652
section is a felony of the fifth degree. If the child who is the 7653
subject of a violation of division (A) (1) of this section 7654

suffers physical harm as a result of the violation, a violation 7655
of division (A) (1) of this section is a felony of the fourth 7656
degree. 7657

(3) A violation of division (A) (2) or (3) of this section 7658
is a misdemeanor of the third degree. 7659

(4) A violation of division (B) of this section is a 7660
misdemeanor of the first degree. Each day of violation of 7661
division (B) of this section is a separate offense. 7662

Sec. 2921.14. (A) No person shall knowingly make or cause 7663
another person to make a false report under division (B) of 7664
section 2151.421 of the Revised Code alleging that any person 7665
has committed an act or omission that resulted in a child being 7666
an abused child ~~as defined in section 2151.031 of the Revised~~ 7667
~~Code or a neglected child as defined in section 2151.03 of the~~ 7668
~~Revised Code.~~ 7669

(B) Whoever violates this section is guilty of making or 7670
causing a false report of child abuse or child neglect, a 7671
misdemeanor of the first degree. 7672

Sec. 3105.51. (A) There is no privilege under section 7673
3105.49 of the Revised Code for a collaborative family law 7674
communication that is any of the following: 7675

(1) Available to the public under section 149.43 of the 7676
Revised Code or made during a session of a collaborative family 7677
law process that is open, or is required by law to be open, to 7678
the public; 7679

(2) A threat or statement of a plan to inflict bodily 7680
injury or commit a crime of violence; 7681

(3) Intentionally used to plan a crime, commit or attempt 7682

to commit a crime, or conceal an ongoing crime or ongoing
criminal activity;

(4) In an agreement resulting from the collaborative
family law process, evidenced by a record signed by all parties
to the agreement.

(B) The privileges under section 3105.49 of the Revised
Code for a collaborative family law communication do not apply
to the extent that a communication is either of the following:

(1) Sought or offered to prove or disprove a claim or
complaint of professional misconduct or malpractice arising from
or related to a collaborative family law process;

(2) Sought or offered to prove or disprove abuse, neglect,
abandonment, an act or situation causing a child to be a child
in need of protective services, or the exploitation of a child,
unless a children's or protective service agency or an adult
protective services agency is a party to or otherwise
participates in the collaborative family law process.

(C) There is no privilege under section 3105.49 of the
Revised Code if the 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~~ a child in need of protective
services.

(D) There is no privilege under section 3105.49 of the
Revised Code if a court 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, the need for

the evidence substantially outweighs the interest in protecting 7712
confidentiality, and the collaborative family law communication 7713
is sought or offered in a criminal action or in a proceeding 7714
seeking rescission or reformation of a contract arising out of 7715
the collaborative family law process or in which a defense to 7716
avoid liability on the contract is asserted. 7717

(E) If a collaborative family law communication is subject 7718
to an exception under division (B), (C), or (D) of this section, 7719
only the portion of the communication necessary for the 7720
application of the exception may be disclosed or admitted. 7721

(F) Disclosure or admission of evidence excepted from the 7722
privilege under division (B), (C), or (D) of this section does 7723
not render the evidence or any other collaborative family law 7724
communication discoverable or admissible for any other purpose. 7725

(G) The privileges under section 3105.49 of the Revised 7726
Code do not apply if the parties agree in advance in a signed 7727
record, or if a record of a proceeding reflects agreement by the 7728
parties, that all or part of a collaborative family law process 7729
is not privileged. This division does not apply to a 7730
collaborative family law communication made by a person that did 7731
not receive actual notice of the agreement before the 7732
communication was made. 7733

Sec. 3107.161. (A) As used in this section, "the least 7734
detrimental available alternative" means the alternative that 7735
would have the least long-term negative impact on the child. 7736

(B) When a court makes a determination in a contested 7737
adoption concerning the best interest of a child, the court 7738
shall consider all relevant factors including, but not limited 7739
to, all of the following: 7740

- (1) The least detrimental available alternative for safeguarding the child's growth and development; 7741
7742
- (2) The age and health of the child at the time the best interest determination is made and, if applicable, at the time the child was removed from the home; 7743
7744
7745
- (3) The wishes of the child in any case in which the child's age and maturity makes this feasible; 7746
7747
- (4) The duration of the separation of the child from a parent; 7748
7749
- (5) Whether the child will be able to enter into a more stable and permanent family relationship, taking into account the conditions of the child's current placement, the likelihood of future placements, and the results of prior placements; 7750
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- (6) The likelihood of safe reunification with a parent within a reasonable period of time; 7754
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- (7) The importance of providing permanency, stability, and continuity of relationships for the child; 7756
7757
- (8) 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; 7758
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- (9) The child's adjustment to the child's current home, school, and community; 7761
7762
- (10) The mental and physical health of all persons involved in the situation; 7763
7764
- (11) Whether any person involved in the situation has been convicted of, pleaded guilty to, or accused of any criminal offense involving any act that resulted in a child being abused 7765
7766
7767

or neglected; whether the person, in a case in which a child has
been adjudicated to be ~~an abused or neglected~~ a child in need of
protective services, has been determined to be the perpetrator
of the ~~abusive or neglectful~~ act or situation that is the basis
of the adjudication; whether the person has been convicted of,
pleaded guilty to, or accused of a violation of section 2919.25
of the Revised Code involving a victim who at the time of the
commission of the offense was a member of the person's family or
household; and whether the person has been convicted of, pleaded
guilty to, or accused of any offense involving a victim who at
the time of the commission of the offense was a member of the
person's family or household and caused physical harm to the
victim in the commission of the offense.

(C) A person who contests an adoption has the burden of
providing the court material evidence needed to determine what
is in the best interest of the child and must establish that the
child's current placement is not the least detrimental available
alternative.

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
following ways:

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

(2) If at least one parent files a pleading or motion in accordance with division (G) of this section and a plan for shared parenting pursuant to that division and if a plan for shared parenting is in the best interest of the children and is approved by the court in accordance with division (D)(1) of this section, the court may allocate the parental rights and responsibilities for the care of the children to both parents and issue a shared parenting order requiring the parents to share all or some of the aspects of the physical and legal care of the children in accordance with the approved plan for shared parenting. If the court issues a shared parenting order under this division and it is necessary for the purpose of receiving public assistance, the court shall designate which one of the parents' residences is to serve as the child's home. The child

support obligations of the parents under a shared parenting 7829
order issued under this division shall be determined in 7830
accordance with Chapters 3119., 3121., 3123., and 3125. of the 7831
Revised Code. 7832

(B) (1) When making the allocation of the parental rights 7833
and responsibilities for the care of the children under this 7834
section in an original proceeding or in any proceeding for 7835
modification of a prior order of the court making the 7836
allocation, the court shall take into account that which would 7837
be in the best interest of the children. In determining the 7838
child's best interest for purposes of making its allocation of 7839
the parental rights and responsibilities for the care of the 7840
child and for purposes of resolving any issues related to the 7841
making of that allocation, the court, in its discretion, may 7842
and, upon the request of either party, shall interview in 7843
chambers any or all of the involved children regarding their 7844
wishes and concerns with respect to the allocation. 7845

(2) If the court interviews any child pursuant to division 7846
(B) (1) of this section, all of the following apply: 7847

(a) The court, in its discretion, may and, upon the motion 7848
of either parent, shall appoint a guardian ad litem for the 7849
child. 7850

(b) The court first shall determine the reasoning ability 7851
of the child. If the court determines that the child does not 7852
have sufficient reasoning ability to express the child's wishes 7853
and concern with respect to the allocation of parental rights 7854
and responsibilities for the care of the child, it shall not 7855
determine the child's wishes and concerns with respect to the 7856
allocation. If the court determines that the child has 7857
sufficient reasoning ability to express the child's wishes or 7858

concerns with respect to the allocation, it then shall determine 7859
whether, because of special circumstances, it would not be in 7860
the best interest of the child to determine the child's wishes 7861
and concerns with respect to the allocation. If the court 7862
determines that, because of special circumstances, it would not 7863
be in the best interest of the child to determine the child's 7864
wishes and concerns with respect to the allocation, it shall not 7865
determine the child's wishes and concerns with respect to the 7866
allocation and shall enter its written findings of fact and 7867
opinion in the journal. If the court determines that it would be 7868
in the best interests of the child to determine the child's 7869
wishes and concerns with respect to the allocation, it shall 7870
proceed to make that determination. 7871

(c) The interview shall be conducted in chambers, and no 7872
person other than the child, the child's attorney, the judge, 7873
any necessary court personnel, and, in the judge's discretion, 7874
the attorney of each parent shall be permitted to be present in 7875
the chambers during the interview. 7876

(3) No person shall obtain or attempt to obtain from a 7877
child a written or recorded statement or affidavit setting forth 7878
the child's wishes and concerns regarding the allocation of 7879
parental rights and responsibilities concerning the child. No 7880
court, in determining the child's best interest for purposes of 7881
making its allocation of the parental rights and 7882
responsibilities for the care of the child or for purposes of 7883
resolving any issues related to the making of that allocation, 7884
shall accept or consider a written or recorded statement or 7885
affidavit that purports to set forth the child's wishes and 7886
concerns regarding those matters. 7887

(C) Prior to trial, the court may cause an investigation 7888

to be made as to the character, family relations, past conduct, 7889
earning ability, and financial worth of each parent and may 7890
order the parents and their minor children to submit to medical, 7891
psychological, and psychiatric examinations. The report of the 7892
investigation and examinations shall be made available to either 7893
parent or the parent's counsel of record not less than five days 7894
before trial, upon written request. The report shall be signed 7895
by the investigator, and the investigator shall be subject to 7896
cross-examination by either parent concerning the contents of 7897
the report. The court may tax as costs all or any part of the 7898
expenses for each investigation. 7899

If the court determines that either parent previously has 7900
been convicted of or pleaded guilty to any criminal offense 7901
involving any act that resulted in a child being a neglected 7902
child, that either parent previously has been determined to be 7903
the perpetrator of the neglectful act that is the basis of an 7904
adjudication that a child is a neglected child, or that there is 7905
reason to believe that either parent has acted in a manner 7906
resulting in a child being a neglected child, the court shall 7907
consider that fact against naming that parent the residential 7908
parent and against granting a shared parenting decree. When the 7909
court allocates parental rights and responsibilities for the 7910
care of children or determines whether to grant shared parenting 7911
in any proceeding, it shall consider whether either parent or 7912
any member of the household of either parent has been convicted 7913
of or pleaded guilty to a violation of section 2919.25 of the 7914
Revised Code or a sexually oriented offense involving a victim 7915
who at the time of the commission of the offense was a member of 7916
the family or household that is the subject of the proceeding, 7917
has been convicted of or pleaded guilty to any sexually oriented 7918
offense or other offense involving a victim who at the time of 7919

the commission of the offense was a member of the family or 7920
household that is the subject of the proceeding and caused 7921
physical harm to the victim in the commission of the offense, or 7922
has been determined to be the perpetrator of the abusive act 7923
that is the basis of an adjudication that a child is an abused 7924
child. If the court determines that either parent has been 7925
convicted of or pleaded guilty to a violation of section 2919.25 7926
of the Revised Code or a sexually oriented offense involving a 7927
victim who at the time of the commission of the offense was a 7928
member of the family or household that is the subject of the 7929
proceeding, has been convicted of or pleaded guilty to any 7930
sexually oriented offense or other offense involving a victim 7931
who at the time of the commission of the offense was a member of 7932
the family or household that is the subject of the proceeding 7933
and caused physical harm to the victim in the commission of the 7934
offense, or has been determined to be the perpetrator of the 7935
abusive act that is the basis of an adjudication that a child is 7936
an abused child, it may designate that parent as the residential 7937
parent and may issue a shared parenting decree or order only if 7938
it determines that it is in the best interest of the child to 7939
name that parent the residential parent or to issue a shared 7940
parenting decree or order and it makes specific written findings 7941
of fact to support its determination. 7942

(D) (1) (a) Upon the filing of a pleading or motion by 7943
either parent or both parents, in accordance with division (G) 7944
of this section, requesting shared parenting and the filing of a 7945
shared parenting plan in accordance with that division, the 7946
court shall comply with division (D) (1) (a) (i), (ii), or (iii) of 7947
this section, whichever is applicable: 7948

(i) If both parents jointly make the request in their 7949
pleadings or jointly file the motion and also jointly file the 7950

plan, the court shall review the parents' plan to determine if 7951
it is in the best interest of the children. If the court 7952
determines that the plan is in the best interest of the 7953
children, the court shall approve it. If the court determines 7954
that the plan or any part of the plan is not in the best 7955
interest of the children, the court shall require the parents to 7956
make appropriate changes to the plan to meet the court's 7957
objections to it. If changes to the plan are made to meet the 7958
court's objections, and if the new plan is in the best interest 7959
of the children, the court shall approve the plan. If changes to 7960
the plan are not made to meet the court's objections, or if the 7961
parents attempt to make changes to the plan to meet the court's 7962
objections, but the court determines that the new plan or any 7963
part of the new plan still is not in the best interest of the 7964
children, the court may reject the portion of the parents' 7965
pleadings or deny their motion requesting shared parenting of 7966
the children and proceed as if the request in the pleadings or 7967
the motion had not been made. The court shall not approve a plan 7968
under this division unless it determines that the plan is in the 7969
best interest of the children. 7970

(ii) If each parent makes a request in the parent's 7971
pleadings or files a motion and each also files a separate plan, 7972
the court shall review each plan filed to determine if either is 7973
in the best interest of the children. If the court determines 7974
that one of the filed plans is in the best interest of the 7975
children, the court may approve the plan. If the court 7976
determines that neither filed plan is in the best interest of 7977
the children, the court may order each parent to submit 7978
appropriate changes to the parent's plan or both of the filed 7979
plans to meet the court's objections, or may select one of the 7980
filed plans and order each parent to submit appropriate changes 7981

to the selected plan to meet the court's objections. If changes 7982
to the plan or plans are submitted to meet the court's 7983
objections, and if any of the filed plans with the changes is in 7984
the best interest of the children, the court may approve the 7985
plan with the changes. If changes to the plan or plans are not 7986
submitted to meet the court's objections, or if the parents 7987
submit changes to the plan or plans to meet the court's 7988
objections but the court determines that none of the filed plans 7989
with the submitted changes is in the best interest of the 7990
children, the court may reject the portion of the parents' 7991
pleadings or deny their motions requesting shared parenting of 7992
the children and proceed as if the requests in the pleadings or 7993
the motions had not been made. If the court approves a plan 7994
under this division, either as originally filed or with 7995
submitted changes, or if the court rejects the portion of the 7996
parents' pleadings or denies their motions requesting shared 7997
parenting under this division and proceeds as if the requests in 7998
the pleadings or the motions had not been made, the court shall 7999
enter in the record of the case findings of fact and conclusions 8000
of law as to the reasons for the approval or the rejection or 8001
denial. Division (D) (1) (b) of this section applies in relation 8002
to the approval or disapproval of a plan under this division. 8003

(iii) If each parent makes a request in the parent's 8004
pleadings or files a motion but only one parent files a plan, or 8005
if only one parent makes a request in the parent's pleadings or 8006
files a motion and also files a plan, the court in the best 8007
interest of the children may order the other parent to file a 8008
plan for shared parenting in accordance with division (G) of 8009
this section. The court shall review each plan filed to 8010
determine if any plan is in the best interest of the children. 8011
If the court determines that one of the filed plans is in the 8012

best interest of the children, the court may approve the plan. 8013
If the court determines that no filed plan is in the best 8014
interest of the children, the court may order each parent to 8015
submit appropriate changes to the parent's plan or both of the 8016
filed plans to meet the court's objections or may select one 8017
filed plan and order each parent to submit appropriate changes 8018
to the selected plan to meet the court's objections. If changes 8019
to the plan or plans are submitted to meet the court's 8020
objections, and if any of the filed plans with the changes is in 8021
the best interest of the children, the court may approve the 8022
plan with the changes. If changes to the plan or plans are not 8023
submitted to meet the court's objections, or if the parents 8024
submit changes to the plan or plans to meet the court's 8025
objections but the court determines that none of the filed plans 8026
with the submitted changes is in the best interest of the 8027
children, the court may reject the portion of the parents' 8028
pleadings or deny the parents' motion or reject the portion of 8029
the parents' pleadings or deny their motions requesting shared 8030
parenting of the children and proceed as if the request or 8031
requests or the motion or motions had not been made. If the 8032
court approves a plan under this division, either as originally 8033
filed or with submitted changes, or if the court rejects the 8034
portion of the pleadings or denies the motion or motions 8035
requesting shared parenting under this division and proceeds as 8036
if the request or requests or the motion or motions had not been 8037
made, the court shall enter in the record of the case findings 8038
of fact and conclusions of law as to the reasons for the 8039
approval or the rejection or denial. Division (D) (1) (b) of this 8040
section applies in relation to the approval or disapproval of a 8041
plan under this division. 8042

(b) The approval of a plan under division (D) (1) (a) (ii) or 8043

(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.

(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.

(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.

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

(2) If the court finds, with respect to any child under 8074
eighteen years of age, that it is in the best interest of the 8075
child for neither parent to be designated the residential parent 8076
and legal custodian of the child, it may commit the child to a 8077
relative of the child or certify a copy of its findings, 8078
together with as much of the record and the further information, 8079
in narrative form or otherwise, that it considers necessary or 8080
as the juvenile court requests, to the juvenile court for 8081
further proceedings, and, upon the certification, the juvenile 8082
court has exclusive jurisdiction. 8083

(E) (1) (a) The court shall not modify a prior decree 8084
allocating parental rights and responsibilities for the care of 8085
children unless it finds, based on facts that have arisen since 8086
the prior decree or that were unknown to the court at the time 8087
of the prior decree, that a change has occurred in the 8088
circumstances of the child, the child's residential parent, or 8089
either of the parents subject to a shared parenting decree, and 8090
that the modification is necessary to serve the best interest of 8091
the child. In applying these standards, the court shall retain 8092
the residential parent designated by the prior decree or the 8093
prior shared parenting decree, unless a modification is in the 8094
best interest of the child and one of the following applies: 8095

(i) The residential parent agrees to a change in the 8096
residential parent or both parents under a shared parenting 8097
decree agree to a change in the designation of residential 8098
parent. 8099

(ii) The child, with the consent of the residential parent 8100
or of both parents under a shared parenting decree, has been 8101
integrated into the family of the person seeking to become the 8102
residential parent. 8103

(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.

(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.

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

(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 children. If the modifications are not in the best interests of

the children, the court, in its discretion, may reject the 8134
modifications or make modifications to the proposed 8135
modifications or the plan that are in the best interest of the 8136
children. Modifications jointly submitted by both parents under 8137
a shared parenting decree shall be effective, either as 8138
originally filed or as modified by the court, upon their 8139
inclusion by the court in the plan. Modifications to the plan 8140
made by the court shall be effective upon their inclusion by the 8141
court in the plan. 8142

(b) The court may modify the terms of the plan for shared 8143
parenting approved by the court and incorporated by it into the 8144
shared parenting decree upon its own motion at any time if the 8145
court determines that the modifications are in the best interest 8146
of the children or upon the request of one or both of the 8147
parents under the decree. Modifications under this division may 8148
be made at any time. The court shall not make any modification 8149
to the plan under this division, unless the modification is in 8150
the best interest of the children. 8151

(c) The court may terminate a prior final shared parenting 8152
decree that includes a shared parenting plan approved under 8153
division (D) (1) (a) (i) of this section upon the request of one or 8154
both of the parents or whenever it determines that shared 8155
parenting is not in the best interest of the children. The court 8156
may terminate a prior final shared parenting decree that 8157
includes a shared parenting plan approved under division (D) (1) 8158
(a) (ii) or (iii) of this section if it determines, upon its own 8159
motion or upon the request of one or both parents, that shared 8160
parenting is not in the best interest of the children. If 8161
modification of the terms of the plan for shared parenting 8162
approved by the court and incorporated by it into the final 8163
shared parenting decree is attempted under division (E) (2) (a) of 8164

this section and the court rejects the modifications, it may 8165
terminate the final shared parenting decree if it determines 8166
that shared parenting is not in the best interest of the 8167
children. 8168

(d) Upon the termination of a prior final shared parenting 8169
decree under division (E) (2) (c) of this section, the court shall 8170
proceed and issue a modified decree for the allocation of 8171
parental rights and responsibilities for the care of the 8172
children under the standards applicable under divisions (A), 8173
(B), and (C) of this section as if no decree for shared 8174
parenting had been granted and as if no request for shared 8175
parenting ever had been made. 8176

(F) (1) In determining the best interest of a child 8177
pursuant to this section, whether on an original decree 8178
allocating parental rights and responsibilities for the care of 8179
children or a modification of a decree allocating those rights 8180
and responsibilities, the court shall consider all relevant 8181
factors, including, but not limited to: 8182

(a) The wishes of the child's parents regarding the 8183
child's care; 8184

(b) If the court has interviewed the child in chambers 8185
pursuant to division (B) of this section regarding the child's 8186
wishes and concerns as to the allocation of parental rights and 8187
responsibilities concerning the child, the wishes and concerns 8188
of the child, as expressed to the court; 8189

(c) The child's interaction and interrelationship with the 8190
child's parents, siblings, and any other person who may 8191
significantly affect the child's best interest; 8192

(d) The child's adjustment to the child's home, school, 8193

and community; 8194

(e) The mental and physical health of all persons involved 8195
in the situation; 8196

(f) The parent more likely to honor and facilitate court- 8197
approved parenting time rights or visitation and companionship 8198
rights; 8199

(g) Whether either parent has failed to make all child 8200
support payments, including all arrearages, that are required of 8201
that parent pursuant to a child support order under which that 8202
parent is an obligor; 8203

(h) Whether either parent or any member of the household 8204
of either parent previously has been convicted of or pleaded 8205
guilty to any criminal offense involving any act that resulted 8206
in a child being an abused child or a neglected child; whether 8207
either parent, in a case in which a child has been adjudicated 8208
an abused child or a neglected child, previously has been 8209
determined to be the perpetrator of the abusive or neglectful 8210
act that is the basis of an adjudication; whether either parent 8211
or any member of the household of either parent previously has 8212
been convicted of or pleaded guilty to a violation of section 8213
2919.25 of the Revised Code or a sexually oriented offense 8214
involving a victim who at the time of the commission of the 8215
offense was a member of the family or household that is the 8216
subject of the current proceeding; whether either parent or any 8217
member of the household of either parent previously has been 8218
convicted of or pleaded guilty to any offense involving a victim 8219
who at the time of the commission of the offense was a member of 8220
the family or household that is the subject of the current 8221
proceeding and caused physical harm to the victim in the 8222
commission of the offense; and whether there is reason to 8223

believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child; 8224
8225

(i) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court; 8226
8227
8228
8229

(j) Whether either parent has established a residence, or is planning to establish a residence, outside this state. 8230
8231

(2) In determining whether shared parenting is in the best interest of the children, the court shall consider all relevant factors, including, but not limited to, the factors enumerated in division (F) (1) of this section, the factors enumerated in section 3119.23 of the Revised Code, and all of the following factors: 8232
8233
8234
8235
8236
8237

(a) The ability of the parents to cooperate and make decisions jointly, with respect to the children; 8238
8239

(b) The ability of each parent to encourage the sharing of love, affection, and contact between the child and the other parent; 8240
8241
8242

(c) Any history of, or potential for, child abuse, spouse abuse, other domestic violence, or parental kidnapping by either parent; 8243
8244
8245

(d) The geographic proximity of the parents to each other, as the proximity relates to the practical considerations of shared parenting; 8246
8247
8248

(e) The recommendation of the guardian ad litem of the child, if the child has a guardian ad litem. 8249
8250

(3) When allocating parental rights and responsibilities 8251

for the care of children, the court shall not give preference to 8252
a parent because of that parent's financial status or condition. 8253

(G) Either parent or both parents of any children may file 8254
a pleading or motion with the court requesting the court to 8255
grant both parents shared parental rights and responsibilities 8256
for the care of the children in a proceeding held pursuant to 8257
division (A) of this section. If a pleading or motion requesting 8258
shared parenting is filed, the parent or parents filing the 8259
pleading or motion also shall file with the court a plan for the 8260
exercise of shared parenting by both parents. If each parent 8261
files a pleading or motion requesting shared parenting but only 8262
one parent files a plan or if only one parent files a pleading 8263
or motion requesting shared parenting and also files a plan, the 8264
other parent as ordered by the court shall file with the court a 8265
plan for the exercise of shared parenting by both parents. The 8266
plan for shared parenting shall be filed with the petition for 8267
dissolution of marriage, if the question of parental rights and 8268
responsibilities for the care of the children arises out of an 8269
action for dissolution of marriage, or, in other cases, at a 8270
time at least thirty days prior to the hearing on the issue of 8271
the parental rights and responsibilities for the care of the 8272
children. A plan for shared parenting shall include provisions 8273
covering all factors that are relevant to the care of the 8274
children, including, but not limited to, provisions covering 8275
factors such as physical living arrangements, child support 8276
obligations, provision for the children's medical and dental 8277
care, school placement, and the parent with which the children 8278
will be physically located during legal holidays, school 8279
holidays, and other days of special importance. 8280

(H) If an appeal is taken from a decision of a court that 8281
grants or modifies a decree allocating parental rights and 8282

responsibilities for the care of children, the court of appeals 8283
shall give the case calendar priority and handle it 8284
expeditiously. 8285

(I) (1) Upon receipt of an order for active military 8286
service in the uniformed services, a parent who is subject to an 8287
order allocating parental rights and responsibilities or in 8288
relation to whom an action to allocate parental rights and 8289
responsibilities is pending and who is ordered for active 8290
military service shall notify the other parent who is subject to 8291
the order or in relation to whom the case is pending of the 8292
order for active military service within three days of receiving 8293
the military service order. 8294

(2) On receipt of the notice described in division (I) (1) 8295
of this section, either parent may apply to the court for a 8296
hearing to expedite an allocation or modification proceeding so 8297
that the court can issue an order before the parent's active 8298
military service begins. The application shall include the date 8299
on which the active military service begins. 8300

The court shall schedule a hearing upon receipt of the 8301
application and hold the hearing not later than thirty days 8302
after receipt of the application, except that the court shall 8303
give the case calendar priority and handle the case 8304
expeditiously if exigent circumstances exist in the case. 8305

The court shall not modify a prior decree allocating 8306
parental rights and responsibilities unless the court determines 8307
that there has been a change in circumstances of the child, the 8308
child's residential parent, or either of the parents subject to 8309
a shared parenting decree, and that modification is necessary to 8310
serve the best interest of the child. The court shall not find 8311
past, present, or possible future active military service in the 8312

uniformed services to constitute a change in circumstances 8313
justifying modification of a prior decree pursuant to division 8314
(E) of this section. The court shall make specific written 8315
findings of fact to support any modification under this 8316
division. 8317

(3) Nothing in division (I) of this section shall prevent 8318
a court from issuing a temporary order allocating or modifying 8319
parental rights and responsibilities for the duration of the 8320
parent's active military service. A temporary order shall 8321
specify whether the parent's active military service is the 8322
basis of the order and shall provide for termination of the 8323
temporary order and resumption of the prior order within ten 8324
days after receipt of notice pursuant to division (I) (5) of this 8325
section, unless the other parent demonstrates that resumption of 8326
the prior order is not in the child's best interest. 8327

(4) At the request of a parent who is ordered for active 8328
military service in the uniformed services and who is a subject 8329
of a proceeding pertaining to a temporary order for the 8330
allocation or modification of parental rights and 8331
responsibilities, the court shall permit the parent to 8332
participate in the proceeding and present evidence by electronic 8333
means, including communication by telephone, video, or internet 8334
to the extent permitted by the rules of the supreme court of 8335
Ohio. 8336

(5) A parent who is ordered for active military service in 8337
the uniformed services and who is a subject of a proceeding 8338
pertaining to the allocation or modification of parental rights 8339
and responsibilities shall provide written notice to the court, 8340
child support enforcement agency, and the other parent of the 8341
date of termination of the parent's active military service not 8342

later than thirty days after the date on which the service ends. 8343

(J) As used in this section: 8344

(1) ~~"Abused child" has the same meaning as in section~~ 8345
~~2151.031 of the Revised Code.~~ 8346

~~(2)~~ "Active military service" means service by a member of 8347
the uniformed services in compliance with military orders to 8348
report for combat operations, contingency operations, 8349
peacekeeping operations, a remote tour of duty, or other active 8350
service for which the member is required to report unaccompanied 8351
by any family member, including any period of illness, recovery 8352
from injury, leave, or other lawful absence during that 8353
operation, duty, or service. 8354

~~(3)~~ ~~"Neglected child" has the same meaning as in section~~ 8355
~~2151.03 of the Revised Code.~~ 8356

~~(4)~~ (2) "Sexually oriented offense" has the same meaning 8357
as in section 2950.01 of the Revised Code. 8358

~~(5)~~ (3) "Uniformed services" means the United States armed 8359
forces, the army national guard, and the air national guard or 8360
any reserve component thereof, or the commissioned corps of the 8361
United States public healthservice. 8362

(K) As used in the Revised Code, "shared parenting" means 8363
that the parents share, in the manner set forth in the plan for 8364
shared parenting that is approved by the court under division 8365
(D) (1) and described in division (L) (6) of this section, all or 8366
some of the aspects of physical and legal care of their 8367
children. 8368

(L) For purposes of the Revised Code: 8369

(1) A parent who is granted the care, custody, and control 8370

of a child under an order that was issued pursuant to this 8371
section prior to April 11, 1991, and that does not provide for 8372
shared parenting has "custody of the child" and "care, custody, 8373
and control of the child" under the order, and is the 8374
"residential parent," the "residential parent and legal 8375
custodian," or the "custodial parent" of the child under the 8376
order. 8377

(2) A parent who primarily is allocated the parental 8378
rights and responsibilities for the care of a child and who is 8379
designated as the residential parent and legal custodian of the 8380
child under an order that is issued pursuant to this section on 8381
or after April 11, 1991, and that does not provide for shared 8382
parenting has "custody of the child" and "care, custody, and 8383
control of the child" under the order, and is the "residential 8384
parent," the "residential parent and legal custodian," or the 8385
"custodial parent" of the child under the order. 8386

(3) A parent who is not granted custody of a child under 8387
an order that was issued pursuant to this section prior to April 8388
11, 1991, and that does not provide for shared parenting is the 8389
"parent who is not the residential parent," the "parent who is 8390
not the residential parent and legal custodian," or the 8391
"noncustodial parent" of the child under the order. 8392

(4) A parent who is not primarily allocated the parental 8393
rights and responsibilities for the care of a child and who is 8394
not designated as the residential parent and legal custodian of 8395
the child under an order that is issued pursuant to this section 8396
on or after April 11, 1991, and that does not provide for shared 8397
parenting is the "parent who is not the residential parent," the 8398
"parent who is not the residential parent and legal custodian," 8399
or the "noncustodial parent" of the child under the order. 8400

(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.

(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.

(7) Unless the context clearly requires otherwise and except as otherwise provided in the order, a designation in the order of a parent as the residential parent for the purpose of determining the school the child attends, as the custodial parent for purposes of claiming the child as a dependent pursuant to section 152(e) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, or as the residential parent for purposes of receiving public assistance pursuant to division (A) (2) of this section, does not affect the designation pursuant to division (L) (6) of this section of each parent as the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child.

(M) The court shall require each parent of a child to file an affidavit attesting as to whether the parent, and the members of the parent's household, have been convicted of or pleaded guilty to any of the offenses identified in divisions (C) and

(F) (1) (h) of this section. 8431

Sec. 3109.051. (A) If a divorce, dissolution, legal 8432
separation, or annulment proceeding involves a child and if the 8433
court has not issued a shared parenting decree, the court shall 8434
consider any mediation report filed pursuant to section 3109.052 8435
of the Revised Code and, in accordance with division (C) of this 8436
section, shall make a just and reasonable order or decree 8437
permitting each parent who is not the residential parent to have 8438
parenting time with the child at the time and under the 8439
conditions that the court directs, unless the court determines 8440
that it would not be in the best interest of the child to permit 8441
that parent to have parenting time with the child and includes 8442
in the journal its findings of fact and conclusions of law. 8443
Whenever possible, the order or decree permitting the parenting 8444
time shall ensure the opportunity for both parents to have 8445
frequent and continuing contact with the child, unless frequent 8446
and continuing contact by either parent with the child would not 8447
be in the best interest of the child. The court shall include in 8448
its final decree a specific schedule of parenting time for that 8449
parent. Except as provided in division (E) (6) of section 3113.31 8450
of the Revised Code, if the court, pursuant to this section, 8451
grants parenting time to a parent or companionship or visitation 8452
rights to any other person with respect to any child, it shall 8453
not require the public children services agency to provide 8454
supervision of or other services related to that parent's 8455
exercise of parenting time or that person's exercise of 8456
companionship or visitation rights with respect to the child. 8457
This section does not limit the power of a juvenile court 8458
pursuant to Chapter 2151. of the Revised Code to issue orders 8459
with respect to children who are alleged to be ~~abused,~~ 8460
~~neglected, or dependent~~ children in need of protective services 8461

or to make dispositions of children who are adjudicated ~~abused,~~ 8462
~~neglected, or dependent~~ children in need of protective services 8463
or of a common pleas court to issue orders pursuant to section 8464
3113.31 of the Revised Code. 8465

(B) (1) In a divorce, dissolution of marriage, legal 8466
separation, annulment, or child support proceeding that involves 8467
a child, the court may grant reasonable companionship or 8468
visitation rights to any grandparent, any person related to the 8469
child by consanguinity or affinity, or any other person other 8470
than a parent, if all of the following apply: 8471

(a) The grandparent, relative, or other person files a 8472
motion with the court seeking companionship or visitation 8473
rights. 8474

(b) The court determines that the grandparent, relative, 8475
or other person has an interest in the welfare of the child. 8476

(c) The court determines that the granting of the 8477
companionship or visitation rights is in the best interest of 8478
the child. 8479

(2) A motion may be filed under division (B) (1) of this 8480
section during the pendency of the divorce, dissolution of 8481
marriage, legal separation, annulment, or child support 8482
proceeding or, if a motion was not filed at that time or was 8483
filed at that time and the circumstances in the case have 8484
changed, at any time after a decree or final order is issued in 8485
the case. 8486

(C) When determining whether to grant parenting time 8487
rights to a parent pursuant to this section or section 3109.12 8488
of the Revised Code or to grant companionship or visitation 8489
rights to a grandparent, relative, or other person pursuant to 8490

this section or section 3109.11 or 3109.12 of the Revised Code, 8491
when establishing a specific parenting time or visitation 8492
schedule, and when determining other parenting time matters 8493
under this section or section 3109.12 of the Revised Code or 8494
visitation matters under this section or section 3109.11 or 8495
3109.12 of the Revised Code, the court shall consider any 8496
mediation report that is filed pursuant to section 3109.052 of 8497
the Revised Code and shall consider all other relevant factors, 8498
including, but not limited to, all of the factors listed in 8499
division (D) of this section. In considering the factors listed 8500
in division (D) of this section for purposes of determining 8501
whether to grant parenting time or visitation rights, 8502
establishing a specific parenting time or visitation schedule, 8503
determining other parenting time matters under this section or 8504
section 3109.12 of the Revised Code or visitation matters under 8505
this section or under section 3109.11 or 3109.12 of the Revised 8506
Code, and resolving any issues related to the making of any 8507
determination with respect to parenting time or visitation 8508
rights or the establishment of any specific parenting time or 8509
visitation schedule, the court, in its discretion, may interview 8510
in chambers any or all involved children regarding their wishes 8511
and concerns. If the court interviews any child concerning the 8512
child's wishes and concerns regarding those parenting time or 8513
visitation matters, the interview shall be conducted in 8514
chambers, and no person other than the child, the child's 8515
attorney, the judge, any necessary court personnel, and, in the 8516
judge's discretion, the attorney of each parent shall be 8517
permitted to be present in the chambers during the interview. No 8518
person shall obtain or attempt to obtain from a child a written 8519
or recorded statement or affidavit setting forth the wishes and 8520
concerns of the child regarding those parenting time or 8521
visitation matters. A court, in considering the factors listed 8522

in division (D) of this section for purposes of determining 8523
whether to grant any parenting time or visitation rights, 8524
establishing a parenting time or visitation schedule, 8525
determining other parenting time matters under this section or 8526
section 3109.12 of the Revised Code or visitation matters under 8527
this section or under section 3109.11 or 3109.12 of the Revised 8528
Code, or resolving any issues related to the making of any 8529
determination with respect to parenting time or visitation 8530
rights or the establishment of any specific parenting time or 8531
visitation schedule, shall not accept or consider a written or 8532
recorded statement or affidavit that purports to set forth the 8533
child's wishes or concerns regarding those parenting time or 8534
visitation matters. 8535

(D) In determining whether to grant parenting time to a 8536
parent pursuant to this section or section 3109.12 of the 8537
Revised Code or companionship or visitation rights to a 8538
grandparent, relative, or other person pursuant to this section 8539
or section 3109.11 or 3109.12 of the Revised Code, in 8540
establishing a specific parenting time or visitation schedule, 8541
and in determining other parenting time matters under this 8542
section or section 3109.12 of the Revised Code or visitation 8543
matters under this section or section 3109.11 or 3109.12 of the 8544
Revised Code, the court shall consider all of the following 8545
factors: 8546

(1) The prior interaction and interrelationships of the 8547
child with the child's parents, siblings, and other persons 8548
related by consanguinity or affinity, and with the person who 8549
requested companionship or visitation if that person is not a 8550
parent, sibling, or relative of the child; 8551

(2) The geographical location of the residence of each 8552

parent and the distance between those residences, and if the 8553
person is not a parent, the geographical location of that 8554
person's residence and the distance between that person's 8555
residence and the child's residence; 8556

(3) The child's and parents' available time, including, 8557
but not limited to, each parent's employment schedule, the 8558
child's school schedule, and the child's and the parents' 8559
holiday and vacation schedule; 8560

(4) The age of the child; 8561

(5) The child's adjustment to home, school, and community; 8562

(6) If the court has interviewed the child in chambers, 8563
pursuant to division (C) of this section, regarding the wishes 8564
and concerns of the child as to parenting time by the parent who 8565
is not the residential parent or companionship or visitation by 8566
the grandparent, relative, or other person who requested 8567
companionship or visitation, as to a specific parenting time or 8568
visitation schedule, or as to other parenting time or visitation 8569
matters, the wishes and concerns of the child, as expressed to 8570
the court; 8571

(7) The health and safety of the child; 8572

(8) The amount of time that will be available for the 8573
child to spend with siblings; 8574

(9) The mental and physical health of all parties; 8575

(10) Each parent's willingness to reschedule missed 8576
parenting time and to facilitate the other parent's parenting 8577
time rights, and with respect to a person who requested 8578
companionship or visitation, the willingness of that person to 8579
reschedule missed visitation; 8580

(11) In relation to parenting time, whether either parent 8581
previously has been convicted of or pleaded guilty to any 8582
criminal offense involving any act that resulted in a child 8583
being an abused child ~~or~~, a neglected child, or a child in need 8584
of protective services; whether either parent, in a case in 8585
which a child has been adjudicated an abused child ~~or~~, a 8586
neglected child, or a child in need of protective services, 8587
previously has been determined to be the perpetrator of the 8588
abusive or neglectful act or situation causing the child to be a 8589
child in need of protective services that is the basis of the 8590
adjudication; and whether there is reason to believe that either 8591
parent has acted in a manner resulting in a child being an 8592
abused child ~~or~~, a neglected child, or a child in need of 8593
protective services; 8594

(12) In relation to requested companionship or visitation 8595
by a person other than a parent, whether the person previously 8596
has been convicted of or pleaded guilty to any criminal offense 8597
involving any act that resulted in a child being an abused child 8598
 ~~or~~, a neglected child, or a child in need of protective 8599
services; whether the person, in a case in which a child has 8600
been adjudicated an abused child ~~or~~, a neglected child, or a 8601
child in need of protective services, previously has been 8602
determined to be the perpetrator of the abusive or neglectful 8603
act or situation that is the basis of the adjudication; whether 8604
either parent previously has been convicted of or pleaded guilty 8605
to a violation of section 2919.25 of the Revised Code involving 8606
a victim who at the time of the commission of the offense was a 8607
member of the family or household that is the subject of the 8608
current proceeding; whether either parent previously has been 8609
convicted of an offense involving a victim who at the time of 8610
the commission of the offense was a member of the family or 8611

household that is the subject of the current proceeding and 8612
caused physical harm to the victim in the commission of the 8613
offense; and whether there is reason to believe that the person 8614
has acted in a manner resulting in a child being an abused child 8615
~~or, a neglected child, or a child in need of protective~~ 8616
services; 8617

(13) Whether the residential parent or one of the parents 8618
subject to a shared parenting decree has continuously and 8619
willfully denied the other parent's right to parenting time in 8620
accordance with an order of the court; 8621

(14) Whether either parent has established a residence or 8622
is planning to establish a residence outside this state; 8623

(15) In relation to requested companionship or visitation 8624
by a person other than a parent, the wishes and concerns of the 8625
child's parents, as expressed by them to the court; 8626

(16) Any other factor in the best interest of the child. 8627

(E) The remarriage of a residential parent of a child does 8628
not affect the authority of a court under this section to grant 8629
parenting time rights with respect to the child to the parent 8630
who is not the residential parent or to grant reasonable 8631
companionship or visitation rights with respect to the child to 8632
any grandparent, any person related by consanguinity or 8633
affinity, or any other person. 8634

(F) (1) If the court, pursuant to division (A) of this 8635
section, denies parenting time to a parent who is not the 8636
residential parent or denies a motion for reasonable 8637
companionship or visitation rights filed under division (B) of 8638
this section and the parent or movant files a written request 8639
for findings of fact and conclusions of law, the court shall 8640

state in writing its findings of fact and conclusions of law in 8641
accordance with Civil Rule 52. 8642

(2) On or before July 1, 1991, each court of common pleas, 8643
by rule, shall adopt standard parenting time guidelines. A court 8644
shall have discretion to deviate from its standard parenting 8645
time guidelines based upon factors set forth in division (D) of 8646
this section. 8647

(G) (1) If the residential parent intends to move to a 8648
residence other than the residence specified in the parenting 8649
time order or decree of the court, the parent shall file a 8650
notice of intent to relocate with the court that issued the 8651
order or decree. Except as provided in divisions (G) (2), and 8652
(3), ~~and (4)~~ of this section, the court shall send a copy of the 8653
notice to the parent who is not the residential parent. Upon 8654
receipt of the notice, the court, on its own motion or the 8655
motion of the parent who is not the residential parent, may 8656
schedule a hearing with notice to both parents to determine 8657
whether it is in the best interest of the child to revise the 8658
parenting time schedule for the child. 8659

(2) When a court grants parenting time rights to a parent 8660
who is not the residential parent, the court shall determine 8661
whether that parent has been convicted of or pleaded guilty to a 8662
violation of section 2919.25 of the Revised Code involving a 8663
victim who at the time of the commission of the offense was a 8664
member of the family or household that is the subject of the 8665
proceeding, has been convicted of or pleaded guilty to any other 8666
offense involving a victim who at the time of the commission of 8667
the offense was a member of the family or household that is the 8668
subject of the proceeding and caused physical harm to the victim 8669
in the commission of the offense, or has been determined to be 8670

the perpetrator of the abusive act that is the basis of an 8671
adjudication that a child is ~~an abused~~ a child in need of 8672
protective services. If the court determines that that parent 8673
has not been so convicted and has not been determined to be the 8674
perpetrator of an abusive act that is the basis of a child ~~abuse~~ 8675
in need of protective services adjudication, the court shall 8676
issue an order stating that a copy of any notice of relocation 8677
that is filed with the court pursuant to division (G)(1) of this 8678
section will be sent to the parent who is given the parenting 8679
time rights in accordance with division (G)(1) of this section. 8680

If the court determines that the parent who is granted the 8681
parenting time rights has been convicted of or pleaded guilty to 8682
a violation of section 2919.25 of the Revised Code involving a 8683
victim who at the time of the commission of the offense was a 8684
member of the family or household that is the subject of the 8685
proceeding, has been convicted of or pleaded guilty to any other 8686
offense involving a victim who at the time of the commission of 8687
the offense was a member of the family or household that is the 8688
subject of the proceeding and caused physical harm to the victim 8689
in the commission of the offense, or has been determined to be 8690
the perpetrator of the abusive act that is the basis of an 8691
adjudication that a child is ~~an abused~~ a child in need of 8692
protective services, it shall issue an order stating that that 8693
parent will not be given a copy of any notice of relocation that 8694
is filed with the court pursuant to division (G)(1) of this 8695
section unless the court determines that it is in the best 8696
interest of the children to give that parent a copy of the 8697
notice of relocation, issues an order stating that that parent 8698
will be given a copy of any notice of relocation filed pursuant 8699
to division (G)(1) of this section, and issues specific written 8700
findings of fact in support of its determination. 8701

~~(3) If a court, prior to April 11, 1991, issued an order granting parenting time rights to a parent who is not the residential parent and did not require the residential parent in that order to give the parent who is granted the parenting time rights notice of any change of address and if the residential parent files a notice of relocation pursuant to division (G)(1) of this section, the court shall determine if the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court determines that the parent who is granted the parenting time rights has not been so convicted and has not been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section will be sent to the parent who is granted parenting time rights in accordance with division (G)(1) of this section.~~

~~If the court determines that the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the~~

~~proceeding, has been convicted of or pleaded guilty to any other
offense involving a victim who at the time of the commission of
the offense was a member of the family or household that is the
subject of the proceeding and caused physical harm to the victim
in the commission of the offense, or has been determined to be
the perpetrator of the abusive act that is the basis of an
adjudication that a child is an abused child, it shall issue an
order stating that that parent will not be given a copy of any
notice of relocation that is filed with the court pursuant to
division (G) (1) of this section unless the court determines that
it is in the best interest of the children to give that parent a
copy of the notice of relocation, issues an order stating that
that parent will be given a copy of any notice of relocation
filed pursuant to division (G) (1) of this section, and issues
specific written findings of fact in support of its
determination.~~

~~(4) If a parent who is granted parenting time rights
pursuant to this section or any other section of the Revised
Code is authorized by an order issued pursuant to this section
or any other court order to receive a copy of any notice of
relocation that is filed pursuant to division (G) (1) of this
section or pursuant to court order, if the residential parent
intends to move to a residence other than the residence address
specified in the parenting time order, and if the residential
parent does not want the parent who is granted the parenting
time rights to receive a copy of the relocation notice because
the parent with parenting time rights has been convicted of or
pleaded guilty to a violation of section 2919.25 of the Revised
Code involving a victim who at the time of the commission of the
offense was a member of the family or household that is the
subject of the proceeding, has been convicted of or pleaded~~

guilty to any other offense involving a victim who at the time 8764
of the commission of the offense was a member of the family or 8765
household that is the subject of the proceeding and caused 8766
physical harm to the victim in the commission of the offense, or 8767
has been determined to be the perpetrator of the abusive act 8768
that is the basis of an adjudication that a child is ~~an abused a~~ 8769
child in need of protective services, the residential parent may 8770
file a motion with the court requesting that the parent who is 8771
granted the parenting time rights not receive a copy of any 8772
notice of relocation. Upon the filing of the motion, the court 8773
shall schedule a hearing on the motion and give both parents 8774
notice of the date, time, and location of the hearing. If the 8775
court determines that the parent who is granted the parenting 8776
time rights has been so convicted or has been determined to be 8777
the perpetrator of an abusive act that is the basis of a child 8778
abuse adjudication, the court shall issue an order stating that 8779
the parent who is granted the parenting time rights will not be 8780
given a copy of any notice of relocation that is filed with the 8781
court pursuant to division (G) (1) of this section or that the 8782
residential parent is no longer required to give that parent a 8783
copy of any notice of relocation unless the court determines 8784
that it is in the best interest of the children to give that 8785
parent a copy of the notice of relocation, issues an order 8786
stating that that parent will be given a copy of any notice of 8787
relocation filed pursuant to division (G) (1) of this section, 8788
and issues specific written findings of fact in support of its 8789
determination. If it does not so find, it shall dismiss the 8790
motion. 8791

(H) (1) Subject to section 3125.16 and division (F) of 8792
section 3319.321 of the Revised Code, a parent of a child who is 8793
not the residential parent of the child is entitled to access, 8794

under the same terms and conditions under which access is 8795
provided to the residential parent, to any record that is 8796
related to the child and to which the residential parent of the 8797
child legally is provided access, unless the court determines 8798
that it would not be in the best interest of the child for the 8799
parent who is not the residential parent to have access to the 8800
records under those same terms and conditions. If the court 8801
determines that the parent of a child who is not the residential 8802
parent should not have access to records related to the child 8803
under the same terms and conditions as provided for the 8804
residential parent, the court shall specify the terms and 8805
conditions under which the parent who is not the residential 8806
parent is to have access to those records, shall enter its 8807
written findings of facts and opinion in the journal, and shall 8808
issue an order containing the terms and conditions to both the 8809
residential parent and the parent of the child who is not the 8810
residential parent. The court shall include in every order 8811
issued pursuant to this division notice that any keeper of a 8812
record who knowingly fails to comply with the order or division 8813
(H) of this section is in contempt of court. 8814

(2) Subject to section 3125.16 and division (F) of section 8815
3319.321 of the Revised Code, subsequent to the issuance of an 8816
order under division (H) (1) of this section, the keeper of any 8817
record that is related to a particular child and to which the 8818
residential parent legally is provided access shall permit the 8819
parent of the child who is not the residential parent to have 8820
access to the record under the same terms and conditions under 8821
which access is provided to the residential parent, unless the 8822
residential parent has presented the keeper of the record with a 8823
copy of an order issued under division (H) (1) of this section 8824
that limits the terms and conditions under which the parent who 8825

is not the residential parent is to have access to records 8826
pertaining to the child and the order pertains to the record in 8827
question. If the residential parent presents the keeper of the 8828
record with a copy of that type of order, the keeper of the 8829
record shall permit the parent who is not the residential parent 8830
to have access to the record only in accordance with the most 8831
recent order that has been issued pursuant to division (H)(1) of 8832
this section and presented to the keeper by the residential 8833
parent or the parent who is not the residential parent. Any 8834
keeper of any record who knowingly fails to comply with division 8835
(H) of this section or with any order issued pursuant to 8836
division (H)(1) of this section is in contempt of court. 8837

(3) The prosecuting attorney of any county may file a 8838
complaint with the court of common pleas of that county 8839
requesting the court to issue a protective order preventing the 8840
disclosure pursuant to division (H)(1) or (2) of this section of 8841
any confidential law enforcement investigatory record. The court 8842
shall schedule a hearing on the motion and give notice of the 8843
date, time, and location of the hearing to all parties. 8844

(I) A court that issues a parenting time order or decree 8845
pursuant to this section or section 3109.12 of the Revised Code 8846
shall determine whether the parent granted the right of 8847
parenting time is to be permitted access, in accordance with 8848
section 5104.039 of the Revised Code, to any child care center 8849
that is, or that in the future may be, attended by the children 8850
with whom the right of parenting time is granted. Unless the 8851
court determines that the parent who is not the residential 8852
parent should not have access to the center to the same extent 8853
that the residential parent is granted access to the center, the 8854
parent who is not the residential parent and who is granted 8855
parenting time rights is entitled to access to the center to the 8856

same extent that the residential parent is granted access to the center. If the court determines that the parent who is not the residential parent should not have access to the center to the same extent that the residential parent is granted such access under section 5104.039 of the Revised Code, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to the center, provided that the access shall not be greater than the access that is provided to the residential parent under section 5104.039 of the Revised Code, the court shall enter its written findings of fact and opinions in the journal, and the court shall include the terms and conditions of access in the parenting time order or decree.

(J) (1) Subject to division (F) of section 3319.321 of the Revised Code, when a court issues an order or decree allocating parental rights and responsibilities for the care of a child, the parent of the child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any student activity that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child to grant the parent who is not the residential parent access to the student activities under those same terms and conditions. If the court determines that the parent of the child who is not the residential parent should not have access to any student activity that is related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those student activities, shall

enter its written findings of facts and opinion in the journal, 8888
and shall issue an order containing the terms and conditions to 8889
both the residential parent and the parent of the child who is 8890
not the residential parent. The court shall include in every 8891
order issued pursuant to this division notice that any school 8892
official or employee who knowingly fails to comply with the 8893
order or division (J) of this section is in contempt of court. 8894

(2) Subject to division (F) of section 3319.321 of the 8895
Revised Code, subsequent to the issuance of an order under 8896
division (J) (1) of this section, all school officials and 8897
employees shall permit the parent of the child who is not the 8898
residential parent to have access to any student activity under 8899
the same terms and conditions under which access is provided to 8900
the residential parent of the child, unless the residential 8901
parent has presented the school official or employee, the board 8902
of education of the school, or the governing body of the 8903
chartered nonpublic school with a copy of an order issued under 8904
division (J) (1) of this section that limits the terms and 8905
conditions under which the parent who is not the residential 8906
parent is to have access to student activities related to the 8907
child and the order pertains to the student activity in 8908
question. If the residential parent presents the school official 8909
or employee, the board of education of the school, or the 8910
governing body of the chartered nonpublic school with a copy of 8911
that type of order, the school official or employee shall permit 8912
the parent who is not the residential parent to have access to 8913
the student activity only in accordance with the most recent 8914
order that has been issued pursuant to division (J) (1) of this 8915
section and presented to the school official or employee, the 8916
board of education of the school, or the governing body of the 8917
chartered nonpublic school by the residential parent or the 8918

parent who is not the residential parent. Any school official or 8919
employee who knowingly fails to comply with division (J) of this 8920
section or with any order issued pursuant to division (J)(1) of 8921
this section is in contempt of court. 8922

(K) If any person is found in contempt of court for 8923
failing to comply with or interfering with any order or decree 8924
granting parenting time rights issued pursuant to this section 8925
or section 3109.12 of the Revised Code or companionship or 8926
visitation rights issued pursuant to this section, section 8927
3109.11 or 3109.12 of the Revised Code, or any other provision 8928
of the Revised Code, the court that makes the finding, in 8929
addition to any other penalty or remedy imposed, shall assess 8930
all court costs arising out of the contempt proceeding against 8931
the person and require the person to pay any reasonable 8932
attorney's fees of any adverse party, as determined by the 8933
court, that arose in relation to the act of contempt, and may 8934
award reasonable compensatory parenting time or visitation to 8935
the person whose right of parenting time or visitation was 8936
affected by the failure or interference if such compensatory 8937
parenting time or visitation is in the best interest of the 8938
child. Any compensatory parenting time or visitation awarded 8939
under this division shall be included in an order issued by the 8940
court and, to the extent possible, shall be governed by the same 8941
terms and conditions as was the parenting time or visitation 8942
that was affected by the failure or interference. 8943

(L) Any parent who requests reasonable parenting time 8944
rights with respect to a child under this section or section 8945
3109.12 of the Revised Code or any person who requests 8946
reasonable companionship or visitation rights with respect to a 8947
child under this section, section 3109.11 or 3109.12 of the 8948
Revised Code, or any other provision of the Revised Code may 8949

file a motion with the court requesting that it waive all or any 8950
part of the costs that may accrue in the proceedings. If the 8951
court determines that the movant is indigent and that the waiver 8952
is in the best interest of the child, the court, in its 8953
discretion, may waive payment of all or any part of the costs of 8954
those proceedings. 8955

(M) (1) A parent who receives an order for active military 8956
service in the uniformed services and who is subject to a 8957
parenting time order may apply to the court for any of the 8958
following temporary orders for the period extending from the 8959
date of the parent's departure to the date of return: 8960

(a) An order delegating all or part of the parent's 8961
parenting time with the child to a relative or to another person 8962
who has a close and substantial relationship with the child if 8963
the delegation is in the child's best interest; 8964

(b) An order that the other parent make the child 8965
reasonably available for parenting time with the parent when the 8966
parent is on leave from active military service; 8967

(c) An order that the other parent facilitate contact, 8968
including telephone and electronic contact, between the parent 8969
and child while the parent is on active military service. 8970

(2) (a) Upon receipt of an order for active military 8971
service, a parent who is subject to a parenting time order and 8972
seeks an order under division (M) (1) of this section shall 8973
notify the other parent who is subject to the parenting time 8974
order and apply to the court as soon as reasonably possible 8975
after receipt of the order for active military service. The 8976
application shall include the date on which the active military 8977
service begins. 8978

(b) The court shall schedule a hearing upon receipt of an application under division (M) of 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.

(c) In determining whether a delegation under division (M) (1) (a) of this section is in the child's best interest, the court shall consider all relevant factors, including the factors set forth in division (D) of this section.

(d) An order delegating all or part of the parent's parenting time pursuant to division (M) (1) (a) of this section does not create standing on behalf of the person to whom parenting time is delegated to assert visitation or companionship rights independent of the order.

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

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

(O) As used in this section:

(1) ~~"Abused child" has the same meaning as in section~~

~~2151.031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.~~ 9008
9009

~~(2)~~ "Active military service" and "uniformed services" 9010
have the same meanings as in section 3109.04 of the Revised 9011
Code. 9012

~~(3)~~ (2) "Confidential law enforcement investigatory 9013
record" has the same meaning as in section 149.43 of the Revised 9014
Code. 9015

~~(4)~~ (3) "Parenting time order" means an order establishing 9016
the amount of time that a child spends with the parent who is 9017
not the residential parent or the amount of time that the child 9018
is to be physically located with a parent under a shared 9019
parenting order. 9020

~~(5)~~ (4) "Record" means any record, document, file, or 9021
other material that contains information directly related to a 9022
child, including, but not limited to, any of the following: 9023

(a) Records maintained by public and nonpublic schools; 9024

(b) Records maintained by facilities that provide child 9025
care, as defined in section 5104.01 of the Revised Code, 9026
publicly funded child care, as defined in section 5104.01 of the 9027
Revised Code, or pre-school services operated by or under the 9028
supervision of a school district board of education or a 9029
nonpublic school; 9030

(c) Records maintained by hospitals, other facilities, or 9031
persons providing medical or surgical care or treatment for the 9032
child; 9033

(d) Records maintained by agencies, departments, 9034
instrumentalities, or other entities of the state or any 9035

political subdivision of the state, other than a child support 9036
enforcement agency. Access to records maintained by a child 9037
support enforcement agency is governed by section 3125.16 of the 9038
Revised Code. 9039

Sec. 3109.052. (A) If a proceeding for divorce, 9040
dissolution, legal separation, annulment, or the allocation of 9041
parental rights and responsibilities for the care of a child 9042
involves one or more children, if the parents of the children do 9043
not agree upon an appropriate allocation of parental rights and 9044
responsibilities for the care of their children or do not agree 9045
upon a specific schedule of parenting time for their children, 9046
the court may order the parents to mediate their differences on 9047
those matters in accordance with mediation procedures adopted by 9048
the court by local rule. When the court determines whether 9049
mediation is appropriate in any proceeding, it shall consider 9050
whether either parent previously has been convicted of or 9051
pleaded guilty to a violation of section 2919.25 of the Revised 9052
Code involving a victim who at the time of the commission of the 9053
offense was a member of the family or household that is the 9054
subject of the proceeding, whether either parent previously has 9055
been convicted of or pleaded guilty to an offense involving a 9056
victim who at the time of the commission of the offense was a 9057
member of the family or household that is the subject of the 9058
proceeding and caused physical harm to the victim in the 9059
commission of the offense, and whether either parent has been 9060
determined to be the perpetrator of the abusive act that is the 9061
basis of an adjudication that a child is an abused child. If 9062
either parent has been convicted of or pleaded guilty to a 9063
violation of section 2919.25 of the Revised Code involving a 9064
victim who at the time of the commission of the offense was a 9065
member of the family or household that is the subject of the 9066

proceeding, has been convicted of or pleaded guilty to any other 9067
offense involving a victim who at the time of the commission of 9068
the offense was a member of the family or household that is the 9069
subject of the proceeding and caused physical harm to the victim 9070
in the commission of the offense, or has been determined to be 9071
the perpetrator of the abusive act that is the basis of an 9072
adjudication that a child is an abused child, the court may 9073
order mediation only if the court determines that it is in the 9074
best interests of the parties to order mediation and makes 9075
specific written findings of fact to support its determination. 9076

If a court issues an order pursuant to this division 9077
requiring mediation, it also may order the parents to file a 9078
mediation report within a specified period of time and order the 9079
parents to pay the cost of mediation, unless either or both of 9080
the parents file a motion requesting that the court waive that 9081
requirement. Upon the filing of a motion requesting the waiver 9082
of that requirement, the court, for good cause shown, may waive 9083
the requirement that either or both parents pay the cost of 9084
mediation or may require one of the parents to pay the entire 9085
cost of mediation. Any mediation procedures adopted by local 9086
court rule for use under this division shall include, but are 9087
not limited to, provisions establishing qualifications for 9088
mediators who may be employed or used and provisions 9089
establishing standards for the conduct of the mediation. 9090

(B) If a mediation order is issued under division (A) of 9091
this section and the order requires the parents to file a 9092
mediation report, the mediator and each parent who takes part in 9093
mediation in accordance with the order jointly shall file a 9094
report of the results of the mediation process with the court 9095
that issued the order under that division. A mediation report 9096
shall indicate only whether agreement has been reached on any of 9097

the issues that were the subject of the mediation, and, if 9098
agreement has been reached, the content and details of the 9099
agreement. No mediation report shall contain any background 9100
information concerning the mediation process or any information 9101
discussed or presented in the process. The court shall consider 9102
the mediation report when it allocates parental rights and 9103
responsibilities for the care of children under section 3109.04 9104
of the Revised Code and when it establishes a specific schedule 9105
of parenting time under section 3109.051 of the Revised Code. 9106
The court is not bound by the mediation report and shall 9107
consider the best interest of the children when making that 9108
allocation or establishing the parenting time schedule. 9109

(C) If a mediation order is issued under division (A) of 9110
this section, the mediator shall not be made a party to, and 9111
shall not be called as a witness or testify in, any action or 9112
proceeding, other than a criminal, delinquency, ~~child abuse,~~ 9113
~~child neglect, or dependent or a child in need of protective~~ 9114
services action or proceeding, that is brought by or against 9115
either parent and that pertains to the mediation process, to any 9116
information discussed or presented in the mediation process, to 9117
the allocation of parental rights and responsibilities for the 9118
care of the parents' children, or to the awarding of parenting 9119
time rights in relation to their children. The mediator shall 9120
not be made a party to, or be called as a witness or testify in, 9121
such an action or proceeding even if both parents give their 9122
prior consent to the mediator being made a party to or being 9123
called as a witness or to testify in the action or proceeding. 9124

(D) Division (A) of this section does not apply to either 9125
of the following: 9126

(1) Any proceeding, or the use of mediation in any 9127

proceeding that is not a proceeding for divorce, dissolution, 9128
legal separation, annulment, or the allocation of parental 9129
rights and responsibilities for the care of a child; 9130

(2) The use of mediation in any proceeding for divorce, 9131
dissolution, legal separation, annulment, or the allocation of 9132
parental rights and responsibilities for the care of a child, in 9133
relation to issues other than the appropriate allocation of 9134
parental rights and responsibilities for the care of the 9135
parents' children and other than a specific parenting time 9136
schedule for the parents' children. 9137

Sec. 3109.11. If either the father or mother of an 9138
unmarried minor child is deceased, the court of common pleas of 9139
the county in which the minor child resides may grant the 9140
parents and other relatives of the deceased father or mother 9141
reasonable companionship or visitation rights with respect to 9142
the minor child during the child's minority if the parent or 9143
other relative files a complaint requesting reasonable 9144
companionship or visitation rights and if the court determines 9145
that the granting of the companionship or visitation rights is 9146
in the best interest of the minor child. In determining whether 9147
to grant any person reasonable companionship or visitation 9148
rights with respect to any child, the court shall consider all 9149
relevant factors, including, but not limited to, the factors set 9150
forth in division (D) of section 3109.051 of the Revised Code. 9151
Divisions (C), (K), and (L) of section 3109.051 of the Revised 9152
Code apply to the determination of reasonable companionship or 9153
visitation rights under this section and to any order granting 9154
any such rights that is issued under this section. 9155

The remarriage of the surviving parent of the child or the 9156
adoption of the child by the spouse of the surviving parent of 9157

the child does not affect the authority of the court under this 9158
section to grant reasonable companionship or visitation rights 9159
with respect to the child to a parent or other relative of the 9160
child's deceased father or mother. 9161

If the court denies a request for reasonable companionship 9162
or visitation rights made pursuant to this section and the 9163
complainant files a written request for findings of fact and 9164
conclusions of law, the court shall state in writing its 9165
findings of fact and conclusions of law in accordance with Civil 9166
Rule 52. 9167

Except as provided in division (E)(6) of section 3113.31 9168
of the Revised Code, if the court, pursuant to this section, 9169
grants any person companionship or visitation rights with 9170
respect to any child, it shall not require the public children 9171
services agency to provide supervision of or other services 9172
related to that person's exercise of companionship or visitation 9173
rights with respect to the child. This section does not limit 9174
the power of a juvenile court pursuant to Chapter 2151. of the 9175
Revised Code to issue orders with respect to children who are 9176
alleged to be ~~abused, neglected, or dependent~~ children in need 9177
of protective services or to make dispositions of children who 9178
are adjudicated ~~abused, neglected, or dependent~~ children in need 9179
of protective services or of a common pleas court to issue 9180
orders pursuant to section 3113.31 of the Revised Code. 9181

Sec. 3109.12. (A) If a child is born to an unmarried 9182
woman, the parents of the woman and any relative of the woman 9183
may file a complaint requesting the court of common pleas of the 9184
county in which the child resides to grant them reasonable 9185
companionship or visitation rights with the child. If a child is 9186
born to an unmarried woman and if the father of the child has 9187

acknowledged the child and that acknowledgment has become final 9188
pursuant to section 2151.232, 3111.25, or 3111.821 of the 9189
Revised Code or has been determined in an action under Chapter 9190
3111. of the Revised Code to be the father of the child, the 9191
father may file a complaint requesting that the court of 9192
appropriate jurisdiction of the county in which the child 9193
resides grant him reasonable parenting time rights with the 9194
child and the parents of the father and any relative of the 9195
father may file a complaint requesting that the court grant them 9196
reasonable companionship or visitation rights with the child. 9197

(B) The court may grant the parenting time rights or 9198
companionship or visitation rights requested under division (A) 9199
of this section, if it determines that the granting of the 9200
parenting time rights or companionship or visitation rights is 9201
in the best interest of the child. In determining whether to 9202
grant reasonable parenting time rights or reasonable 9203
companionship or visitation rights with respect to any child, 9204
the court shall consider all relevant factors, including, but 9205
not limited to, the factors set forth in division (D) of section 9206
3109.051 of the Revised Code. Divisions (C), (K), and (L) of 9207
section 3109.051 of the Revised Code apply to the determination 9208
of reasonable parenting time rights or reasonable companionship 9209
or visitation rights under this section and to any order 9210
granting any such rights that is issued under this section. 9211

The marriage or remarriage of the mother or father of a 9212
child does not affect the authority of the court under this 9213
section to grant the natural father reasonable parenting time 9214
rights or the parents or relatives of the natural father or the 9215
parents or relatives of the mother of the child reasonable 9216
companionship or visitation rights with respect to the child. 9217

If the court denies a request for reasonable parenting 9218
time rights or reasonable companionship or visitation rights 9219
made pursuant to division (A) of this section and the 9220
complainant files a written request for findings of fact and 9221
conclusions of law, the court shall state in writing its 9222
findings of fact and conclusions of law in accordance with Civil 9223
Rule 52. 9224

Except as provided in division (E) (6) of section 3113.31 9225
of the Revised Code, if the court, pursuant to this section, 9226
grants parenting time rights or companionship or visitation 9227
rights with respect to any child, it shall not require the 9228
public children services agency to provide supervision of or 9229
other services related to that parent's exercise of parenting 9230
time rights with the child or that person's exercise of 9231
companionship or visitation rights with the child. This section 9232
does not limit the power of a juvenile court pursuant to Chapter 9233
2151. of the Revised Code to issue orders with respect to 9234
children who are alleged to be ~~abused, neglected, or dependent~~ 9235
children in need of protective services or to make dispositions 9236
of children who are adjudicated ~~abused, neglected, or dependent~~ 9237
children in need of protective services or of a common pleas 9238
court to issue orders pursuant to section 3113.31 of the Revised 9239
Code. 9240

Sec. 3109.46. If the court to which notice is sent under 9241
section 3109.44 of the Revised Code is a juvenile court that 9242
issued a custody order described in that section, the court 9243
shall retain jurisdiction over the order. If the court to which 9244
notice is sent is not a juvenile court but the court issued a 9245
custody order described in that section, the court shall 9246
transfer jurisdiction over the custody order to the juvenile 9247
court of the county in which the child has a residence or legal 9248

settlement. 9249

On receipt of the notice in cases in which the custody 9250
order was issued by a juvenile court or after jurisdiction is 9251
transferred, the juvenile court with jurisdiction shall 9252
terminate the custody order. 9253

The termination order shall be treated as a complaint 9254
filed under section 2151.27 of the Revised Code alleging the 9255
child subject of the custody order to be a ~~dependent child in~~ 9256
need of protective services. If a juvenile court issued the 9257
terminated custody order under a prior juvenile proceeding under 9258
Chapter 2151. of the Revised Code in which the child was 9259
adjudicated a child in need of protective services, an abused, 9260
~~neglected, dependent, unruly, or delinquent child,~~ or a juvenile 9261
traffic offender, the court shall treat the termination order as 9262
a new complaint. 9263

Sec. 3113.31. (A) As used in this section: 9264

(1) "Domestic violence" means any of the following: 9265

(a) The occurrence of one or more of the following acts 9266
against a family or household member: 9267

(i) Attempting to cause or recklessly causing bodily 9268
injury; 9269

(ii) Placing another person by the threat of force in fear 9270
of imminent serious physical harm or committing a violation of 9271
section 2903.211 or 2911.211 of the Revised Code; 9272

(iii) Committing any act with respect to a child that 9273
would result in the child being an abused child, ~~as defined in~~ 9274
~~section 2151.031 of the Revised Code;~~ 9275

(iv) Committing a sexually oriented offense. 9276

(b) The occurrence of one or more of the acts identified 9277
in divisions (A) (1) (a) (i) to (iv) of this section against a 9278
person with whom the respondent is or was in a dating 9279
relationship. 9280

(2) "Court" means the domestic relations division of the 9281
court of common pleas in counties that have a domestic relations 9282
division and the court of common pleas in counties that do not 9283
have a domestic relations division, or the juvenile division of 9284
the court of common pleas of the county in which the person to 9285
be protected by a protection order issued or a consent agreement 9286
approved under this section resides if the respondent is less 9287
than eighteen years of age. 9288

(3) "Family or household member" means any of the 9289
following: 9290

(a) Any of the following who is residing with or has 9291
resided with the respondent: 9292

(i) A spouse, a person living as a spouse, or a former 9293
spouse of the respondent; 9294

(ii) A parent, a foster parent, or a child of the 9295
respondent, or another person related by consanguinity or 9296
affinity to the respondent; 9297

(iii) A parent or a child of a spouse, person living as a 9298
spouse, or former spouse of the respondent, or another person 9299
related by consanguinity or affinity to a spouse, person living 9300
as a spouse, or former spouse of the respondent. 9301

(b) The natural parent of any child of whom the respondent 9302
is the other natural parent or is the putative other natural 9303
parent. 9304

(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.

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

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

(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.

(9) "Person with whom the respondent is or was in a dating relationship" means an individual who, at the time of the conduct in question, is in a dating relationship with the respondent who is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with the respondent who is an adult.

(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.

(C) A person may seek relief under this section on the

person's own behalf, or any parent or adult household member may 9334
seek relief under this section on behalf of any other family or 9335
household member, by filing a petition with the court. The 9336
petition shall contain or state: 9337

(1) An allegation that the respondent engaged in domestic 9338
violence against a family or household member of the respondent 9339
or against a person with whom the respondent is or was in a 9340
dating relationship, including a description of the nature and 9341
extent of the domestic violence; 9342

(2) The relationship of the respondent to the petitioner, 9343
and to the victim if other than the petitioner; 9344

(3) If the petition is for protection of a person with 9345
whom the respondent is or was in a dating relationship, the 9346
facts upon which the court may conclude that a dating 9347
relationship existed between the person to be protected and the 9348
respondent; 9349

(4) A request for relief under this section. 9350

(D) (1) If a person who files a petition pursuant to this 9351
section requests an ex parte order, the court shall hold an ex 9352
parte hearing on the same day that the petition is filed. The 9353
court, for good cause shown at the ex parte hearing, may enter 9354
any temporary orders, with or without bond, including, but not 9355
limited to, an order described in division (E) (1) (a), (b), or 9356
(c) of this section, that the court finds necessary to protect 9357
the family or household member or the person with whom the 9358
respondent is or was in a dating relationship from domestic 9359
violence. Immediate and present danger of domestic violence to 9360
the family or household member or to the person with whom the 9361
respondent is or was in a dating relationship constitutes good 9362

cause for purposes of this section. Immediate and present danger 9363
includes, but is not limited to, situations in which the 9364
respondent has threatened the family or household member or 9365
person with whom the respondent is or was in a dating 9366
relationship with bodily harm, in which the respondent has 9367
threatened the family or household member or person with whom 9368
the respondent is or was in a dating relationship with a 9369
sexually oriented offense, or in which the respondent previously 9370
has been convicted of, pleaded guilty to, or been adjudicated a 9371
delinquent child for an offense that constitutes domestic 9372
violence against the family or household member or person with 9373
whom the respondent is or was in a dating relationship. 9374

(2) (a) If the court, after an ex parte hearing, issues an 9375
order described in division (E) (1) (b) or (c) of this section, 9376
the court shall schedule a full hearing for a date that is 9377
within seven court days after the ex parte hearing. If any other 9378
type of protection order that is authorized under division (E) 9379
of this section is issued by the court after an ex parte 9380
hearing, the court shall schedule a full hearing for a date that 9381
is within ten court days after the ex parte hearing. The court 9382
shall give the respondent notice of, and an opportunity to be 9383
heard at, the full hearing. The court shall hold the full 9384
hearing on the date scheduled under this division unless the 9385
court grants a continuance of the hearing in accordance with 9386
this division. Under any of the following circumstances or for 9387
any of the following reasons, the court may grant a continuance 9388
of the full hearing to a reasonable time determined by the 9389
court: 9390

(i) Prior to the date scheduled for the full hearing under 9391
this division, the respondent has not been served with the 9392
petition filed pursuant to this section and notice of the full 9393

hearing.	9394
(ii) The parties consent to the continuance.	9395
(iii) The continuance is needed to allow a party to obtain counsel.	9396 9397
(iv) The continuance is needed for other good cause.	9398
(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D) (2) (a) of this section or because the court grants a continuance under that division.	9399 9400 9401 9402 9403
(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.	9404 9405 9406 9407 9408 9409
(E) (1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members or persons with whom the respondent is or was in a dating relationship. The order or agreement may:	9410 9411 9412 9413 9414 9415
(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members or persons with whom the respondent is or was in a dating relationship;	9416 9417 9418 9419
(b) With respect to a petition involving family or household members, grant possession of the residence or	9420 9421

household to the petitioner or other family or household member, 9422
to the exclusion of the respondent, by evicting the respondent, 9423
when the residence or household is owned or leased solely by the 9424
petitioner or other family or household member, or by ordering 9425
the respondent to vacate the premises, when the residence or 9426
household is jointly owned or leased by the respondent, and the 9427
petitioner or other family or household member; 9428

(c) With respect to a petition involving family or 9429
household members, when the respondent has a duty to support the 9430
petitioner or other family or household member living in the 9431
residence or household and the respondent is the sole owner or 9432
lessee of the residence or household, grant possession of the 9433
residence or household to the petitioner or other family or 9434
household member, to the exclusion of the respondent, by 9435
ordering the respondent to vacate the premises, or, in the case 9436
of a consent agreement, allow the respondent to provide 9437
suitable, alternative housing; 9438

(d) With respect to a petition involving family or 9439
household members, temporarily allocate parental rights and 9440
responsibilities for the care of, or establish temporary 9441
parenting time rights with regard to, minor children, if no 9442
other court has determined, or is determining, the allocation of 9443
parental rights and responsibilities for the minor children or 9444
parenting time rights; 9445

(e) With respect to a petition involving family or 9446
household members, require the respondent to maintain support, 9447
if the respondent customarily provides for or contributes to the 9448
support of the family or household member, or if the respondent 9449
has a duty to support the petitioner or family or household 9450
member; 9451

- (f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling; 9452
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- (g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member; 9455
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- (h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or, with respect to a petition involving family or household members, other family or household members and the apportionment of household and family personal property; 9459
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- (i) Require that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the petitioner; 9465
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- (j) Authorize the petitioner to remove a companion animal owned by the petitioner from the possession of the respondent; 9468
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- (k) Require a wireless service transfer in accordance with sections 3113.45 to 3113.459 of the Revised Code. 9470
9471
- (2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or, with respect to a petition involving family or household members, one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order, it also shall include in the order provisions of the type 9472
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described in division (E) (7) of this section. This division does 9481
not preclude the court from including in a protection order or 9482
consent agreement, in circumstances other than those described 9483
in this division, a requirement that the respondent be evicted 9484
from or vacate the residence or household or refrain from 9485
entering the residence, school, business, or place of employment 9486
of the petitioner or, with respect to a petition involving 9487
family or household members, a family or household member, and, 9488
if the court includes any requirement of that type in an order 9489
or agreement, the court also shall include in the order 9490
provisions of the type described in division (E) (7) of this 9491
section. 9492

(3) (a) Any protection order issued or consent agreement 9493
approved under this section shall be valid until a date certain, 9494
but not later than five years from the date of its issuance or 9495
approval, or not later than the date a respondent who is less 9496
than eighteen years of age attains nineteen years of age, unless 9497
modified or terminated as provided in division (E) (8) of this 9498
section. 9499

(b) With respect to an order involving family or household 9500
members, subject to the limitation on the duration of an order 9501
or agreement set forth in division (E) (3) (a) of this section, 9502
any order under division (E) (1) (d) of this section shall 9503
terminate on the date that a court in an action for divorce, 9504
dissolution of marriage, or legal separation brought by the 9505
petitioner or respondent issues an order allocating parental 9506
rights and responsibilities for the care of children or on the 9507
date that a juvenile court in an action brought by the 9508
petitioner or respondent issues an order awarding legal custody 9509
of minor children. Subject to the limitation on the duration of 9510
an order or agreement set forth in division (E) (3) (a) of this 9511

section, any order under division (E) (1) (e) of this section 9512
shall terminate on the date that a court in an action for 9513
divorce, dissolution of marriage, or legal separation brought by 9514
the petitioner or respondent issues a support order or on the 9515
date that a juvenile court in an action brought by the 9516
petitioner or respondent issues a support order. 9517

(c) Any protection order issued or consent agreement 9518
approved pursuant to this section may be renewed in the same 9519
manner as the original order or agreement was issued or 9520
approved. 9521

(4) A court may not issue a protection order that requires 9522
a petitioner to do or to refrain from doing an act that the 9523
court may require a respondent to do or to refrain from doing 9524
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 9525
this section unless all of the following apply: 9526

(a) The respondent files a separate petition for a 9527
protection order in accordance with this section. 9528

(b) The petitioner is served notice of the respondent's 9529
petition at least forty-eight hours before the court holds a 9530
hearing with respect to the respondent's petition, or the 9531
petitioner waives the right to receive this notice. 9532

(c) If the petitioner has requested an ex parte order 9533
pursuant to division (D) of this section, the court does not 9534
delay any hearing required by that division beyond the time 9535
specified in that division in order to consolidate the hearing 9536
with a hearing on the petition filed by the respondent. 9537

(d) After a full hearing at which the respondent presents 9538
evidence in support of the request for a protection order and 9539
the petitioner is afforded an opportunity to defend against that 9540

evidence, the court determines that the petitioner has committed 9541
an act of domestic violence or has violated a temporary 9542
protection order issued pursuant to section 2919.26 of the 9543
Revised Code, that both the petitioner and the respondent acted 9544
primarily as aggressors, and that neither the petitioner nor the 9545
respondent acted primarily in self-defense. 9546

(5) No protection order issued or consent agreement 9547
approved under this section shall in any manner affect title to 9548
any real property. 9549

(6) (a) With respect to an order involving family or 9550
household members, if a petitioner, or the child of a 9551
petitioner, who obtains a protection order or consent agreement 9552
pursuant to division (E) (1) of this section or a temporary 9553
protection order pursuant to section 2919.26 of the Revised Code 9554
and is the subject of a parenting time order issued pursuant to 9555
section 3109.051 or 3109.12 of the Revised Code or a visitation 9556
or companionship order issued pursuant to section 3109.051, 9557
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 9558
this section granting parenting time rights to the respondent, 9559
the court may require the public children services agency of the 9560
county in which the court is located to provide supervision of 9561
the respondent's exercise of parenting time or visitation or 9562
companionship rights with respect to the child for a period not 9563
to exceed nine months, if the court makes the following findings 9564
of fact: 9565

(i) The child is in danger from the respondent; 9566

(ii) No other person or agency is available to provide the 9567
supervision. 9568

(b) A court that requires an agency to provide supervision 9569

pursuant to division (E) (6) (a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost.

(7) (a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member.

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

(8) (a) The court may modify or terminate as provided in division (E) (8) of this section a protection order or consent agreement that was issued after a full hearing under this section. The court that issued the protection order or approved the consent agreement shall hear a motion for modification or

termination of the protection order or consent agreement 9600
pursuant to division (E) (8) of this section. 9601

(b) Either the petitioner or the respondent of the 9602
original protection order or consent agreement may bring a 9603
motion for modification or termination of a protection order or 9604
consent agreement that was issued or approved after a full 9605
hearing. The court shall require notice of the motion to be made 9606
as provided by the Rules of Civil Procedure. If the petitioner 9607
for the original protection order or consent agreement has 9608
requested that the petitioner's address be kept confidential, 9609
the court shall not disclose the address to the respondent of 9610
the original protection order or consent agreement or any other 9611
person, except as otherwise required by law. The moving party 9612
has the burden of proof to show, by a preponderance of the 9613
evidence, that modification or termination of the protection 9614
order or consent agreement is appropriate because either the 9615
protection order or consent agreement is no longer needed or 9616
because the terms of the original protection order or consent 9617
agreement are no longer appropriate. 9618

(c) In considering whether to modify or terminate a 9619
protection order or consent agreement issued or approved under 9620
this section, the court shall consider all relevant factors, 9621
including, but not limited to, the following: 9622

(i) Whether the petitioner consents to modification or 9623
termination of the protection order or consent agreement; 9624

(ii) Whether the petitioner fears the respondent; 9625

(iii) The current nature of the relationship between the 9626
petitioner and the respondent; 9627

(iv) The circumstances of the petitioner and respondent, 9628

including the relative proximity of the petitioner's and 9629
respondent's workplaces and residences and whether the 9630
petitioner and respondent have minor children together; 9631

(v) Whether the respondent has complied with the terms and 9632
conditions of the original protection order or consent 9633
agreement; 9634

(vi) Whether the respondent has a continuing involvement 9635
with illegal drugs or alcohol; 9636

(vii) Whether the respondent has been convicted of, 9637
pleaded guilty to, or been adjudicated a delinquent child for an 9638
offense of violence since the issuance of the protection order 9639
or approval of the consent agreement; 9640

(viii) Whether any other protection orders, consent 9641
agreements, restraining orders, or no contact orders have been 9642
issued against the respondent pursuant to this section, section 9643
2919.26 of the Revised Code, any other provision of state law, 9644
or the law of any other state; 9645

(ix) Whether the respondent has participated in any 9646
domestic violence treatment, intervention program, or other 9647
counseling addressing domestic violence and whether the 9648
respondent has completed the treatment, program, or counseling; 9649

(x) The time that has elapsed since the protection order 9650
was issued or since the consent agreement was approved; 9651

(xi) The age and health of the respondent; 9652

(xii) When the last incident of abuse, threat of harm, or 9653
commission of a sexually oriented offense occurred or other 9654
relevant information concerning the safety and protection of the 9655
petitioner or other protected parties. 9656

(d) If a protection order or consent agreement is modified 9657
or terminated as provided in division (E) (8) of this section, 9658
the court shall issue copies of the modified or terminated order 9659
or agreement as provided in division (F) of this section. A 9660
petitioner may also provide notice of the modification or 9661
termination to the judicial and law enforcement officials in any 9662
county other than the county in which the order or agreement is 9663
modified or terminated as provided in division (N) of this 9664
section. 9665

(e) If the respondent moves for modification or 9666
termination of a protection order or consent agreement pursuant 9667
to this section and the court denies the motion, the court may 9668
assess costs against the respondent for the filing of the 9669
motion. 9670

(9) Any protection order issued or any consent agreement 9671
approved pursuant to this section shall include a provision that 9672
the court will automatically seal all of the records of the 9673
proceeding in which the order is issued or agreement approved on 9674
the date the respondent attains the age of nineteen years unless 9675
the petitioner provides the court with evidence that the 9676
respondent has not complied with all of the terms of the 9677
protection order or consent agreement. The protection order or 9678
consent agreement shall specify the date when the respondent 9679
attains the age of nineteen years. 9680

(F) (1) A copy of any protection order, or consent 9681
agreement, that is issued, approved, modified, or terminated 9682
under this section shall be issued by the court to the 9683
petitioner, to the respondent, and to all law enforcement 9684
agencies that have jurisdiction to enforce the order or 9685
agreement. The court shall direct that a copy of an order be 9686

delivered to the respondent on the same day that the order is 9687
entered. 9688

(2) Upon the issuance of a protection order or the 9689
approval of a consent agreement under this section, the court 9690
shall provide the parties to the order or agreement with the 9691
following notice orally or by form: 9692

"NOTICE 9693

As a result of this order or consent agreement, it may be 9694
unlawful for you to possess or purchase a firearm, including a 9695
rifle, pistol, or revolver, or ammunition pursuant to federal 9696
law under 18 U.S.C. 922(g)(8) for the duration of this order or 9697
consent agreement. If you have any questions whether this law 9698
makes it illegal for you to possess or purchase a firearm or 9699
ammunition, you should consult an attorney." 9700

(3) All law enforcement agencies shall establish and 9701
maintain an index for the protection orders and the approved 9702
consent agreements delivered to the agencies pursuant to 9703
division (F)(1) of this section. With respect to each order and 9704
consent agreement delivered, each agency shall note on the index 9705
the date and time that it received the order or consent 9706
agreement. 9707

(4) Regardless of whether the petitioner has registered 9708
the order or agreement in the county in which the officer's 9709
agency has jurisdiction pursuant to division (N) of this 9710
section, any officer of a law enforcement agency shall enforce a 9711
protection order issued or consent agreement approved by any 9712
court in this state in accordance with the provisions of the 9713
order or agreement, including removing the respondent from the 9714
premises, if appropriate. 9715

(G) (1) Any proceeding under this section shall be 9716
conducted in accordance with the Rules of Civil Procedure, 9717
except that an order under this section may be obtained with or 9718
without bond. An order issued under this section, other than an 9719
ex parte order, that grants a protection order or approves a 9720
consent agreement, that refuses to grant a protection order or 9721
approve a consent agreement that modifies or terminates a 9722
protection order or consent agreement, or that refuses to modify 9723
or terminate a protection order or consent agreement, is a 9724
final, appealable order. The remedies and procedures provided in 9725
this section are in addition to, and not in lieu of, any other 9726
available civil or criminal remedies. 9727

(2) If as provided in division (G) (1) of this section an 9728
order issued under this section, other than an ex parte order, 9729
refuses to grant a protection order, the court, on its own 9730
motion, shall order that the ex parte order issued under this 9731
section and all of the records pertaining to that ex parte order 9732
be sealed after either of the following occurs: 9733

(a) No party has exercised the right to appeal pursuant to 9734
Rule 4 of the Rules of Appellate Procedure. 9735

(b) All appellate rights have been exhausted. 9736

(H) The filing of proceedings under this section does not 9737
excuse a person from filing any report or giving any notice 9738
required by section 2151.421 of the Revised Code or by any other 9739
law. When a petition under this section alleges domestic 9740
violence against minor children, the court shall report the 9741
fact, or cause reports to be made, to a county, township, or 9742
municipal peace officer under section 2151.421 of the Revised 9743
Code. 9744

(I) Any law enforcement agency that investigates a 9745
domestic dispute shall provide information to the family or 9746
household members involved, or the persons in the dating 9747
relationship who are involved, whichever is applicable regarding 9748
the relief available under this section and, for family or 9749
household members, section 2919.26 of the Revised Code. 9750

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 9751
section and regardless of whether a protection order is issued 9752
or a consent agreement is approved by a court of another county 9753
or a court of another state, no court or unit of state or local 9754
government shall charge the petitioner any fee, cost, deposit, 9755
or money in connection with the filing of a petition pursuant to 9756
this section or in connection with the filing, issuance, 9757
registration, modification, enforcement, dismissal, withdrawal, 9758
or service of a protection order, consent agreement, or witness 9759
subpoena or for obtaining a certified copy of a protection order 9760
or consent agreement. 9761

(2) Regardless of whether a protection order is issued or 9762
a consent agreement is approved pursuant to this section, the 9763
court may assess costs against the respondent in connection with 9764
the filing, issuance, registration, modification, enforcement, 9765
dismissal, withdrawal, or service of a protection order, consent 9766
agreement, or witness subpoena or for obtaining a certified copy 9767
of a protection order or consent agreement. 9768

(K) (1) The court shall comply with Chapters 3119., 3121., 9769
3123., and 3125. of the Revised Code when it makes or modifies 9770
an order for child support under this section. 9771

(2) If any person required to pay child support under an 9772
order made under this section on or after April 15, 1985, or 9773
modified under this section on or after December 31, 1986, is 9774

found in contempt of court for failure to make support payments 9775
under the order, the court that makes the finding, in addition 9776
to any other penalty or remedy imposed, shall assess all court 9777
costs arising out of the contempt proceeding against the person 9778
and require the person to pay any reasonable attorney's fees of 9779
any adverse party, as determined by the court, that arose in 9780
relation to the act of contempt. 9781

(L) (1) A person who violates a protection order issued or 9782
a consent agreement approved under this section is subject to 9783
the following sanctions: 9784

(a) Criminal prosecution or a delinquent child proceeding 9785
for a violation of section 2919.27 of the Revised Code, if the 9786
violation of the protection order or consent agreement 9787
constitutes a violation of that section; 9788

(b) Punishment for contempt of court. 9789

(2) The punishment of a person for contempt of court for 9790
violation of a protection order issued or a consent agreement 9791
approved under this section does not bar criminal prosecution of 9792
the person or a delinquent child proceeding concerning the 9793
person for a violation of section 2919.27 of the Revised Code. 9794
However, a person punished for contempt of court is entitled to 9795
credit for the punishment imposed upon conviction of or 9796
adjudication as a delinquent child for a violation of that 9797
section, and a person convicted of or adjudicated a delinquent 9798
child for a violation of that section shall not subsequently be 9799
punished for contempt of court arising out of the same activity. 9800

(M) In all stages of a proceeding under this section, a 9801
petitioner may be accompanied by a victim advocate. 9802

(N) (1) A petitioner who obtains a protection order or 9803

consent agreement under this section or a temporary protection 9804
order under section 2919.26 of the Revised Code may provide 9805
notice of the issuance or approval of the order or agreement to 9806
the judicial and law enforcement officials in any county other 9807
than the county in which the order is issued or the agreement is 9808
approved by registering that order or agreement in the other 9809
county pursuant to division (N) (2) of this section and filing a 9810
copy of the registered order or registered agreement with a law 9811
enforcement agency in the other county in accordance with that 9812
division. A person who obtains a protection order issued by a 9813
court of another state may provide notice of the issuance of the 9814
order to the judicial and law enforcement officials in any 9815
county of this state by registering the order in that county 9816
pursuant to section 2919.272 of the Revised Code and filing a 9817
copy of the registered order with a law enforcement agency in 9818
that county. 9819

(2) A petitioner may register a temporary protection 9820
order, protection order, or consent agreement in a county other 9821
than the county in which the court that issued the order or 9822
approved the agreement is located in the following manner: 9823

(a) The petitioner shall obtain a certified copy of the 9824
order or agreement from the clerk of the court that issued the 9825
order or approved the agreement and present that certified copy 9826
to the clerk of the court of common pleas or the clerk of a 9827
municipal court or county court in the county in which the order 9828
or agreement is to be registered. 9829

(b) Upon accepting the certified copy of the order or 9830
agreement for registration, the clerk of the court of common 9831
pleas, municipal court, or county court shall place an 9832
endorsement of registration on the order or agreement and give 9833

the petitioner a copy of the order or agreement that bears that 9834
proof of registration. 9835

(3) The clerk of each court of common pleas, the clerk of 9836
each municipal court, and the clerk of each county court shall 9837
maintain a registry of certified copies of temporary protection 9838
orders, protection orders, or consent agreements that have been 9839
issued or approved by courts in other counties and that have 9840
been registered with the clerk. 9841

(O) Nothing in this section prohibits the domestic 9842
relations division of a court of common pleas in counties that 9843
have a domestic relations division or a court of common pleas in 9844
counties that do not have a domestic relations division from 9845
designating a minor child as a protected party on a protection 9846
order or consent agreement. 9847

Sec. 3119.05. When a court computes the amount of child 9848
support required to be paid under a court child support order or 9849
a child support enforcement agency computes the amount of child 9850
support to be paid pursuant to an administrative child support 9851
order, all of the following apply: 9852

(A) The parents' current and past income and personal 9853
earnings shall be verified by electronic means or with suitable 9854
documents, including, but not limited to, paystubs, employer 9855
statements, receipts and expense vouchers related to self- 9856
generated income, tax returns, and all supporting documentation 9857
and schedules for the tax returns. 9858

(B) The annual amount of any court-ordered spousal support 9859
actually paid, excluding any ordered payment on arrears, shall 9860
be deducted from the annual income of that parent to the extent 9861
that payment of that court-ordered spousal support is verified 9862

by supporting documentation. 9863

(C) The court or agency shall adjust the amount of child 9864
support paid by a parent to give credit for children not 9865
included in the current calculation. When calculating the 9866
adjusted amount, the court or agency shall use the schedule and 9867
do the following: 9868

(1) Determine the amount of child support that each parent 9869
would be ordered to pay for all children for whom the parent has 9870
the legal duty to support, according to each parent's annual 9871
income. If the number of children subject to the order is 9872
greater than six, multiply the amount for three children in 9873
accordance with division (C) (4) of this section to determine the 9874
amount of child support. 9875

(2) Compute a child support credit amount for each 9876
parent's children who are not subject to this order by dividing 9877
the amount determined in division (C) (1) of this section by the 9878
total number of children whom the parent is obligated to support 9879
and multiplying that number by the number of the parent's 9880
children who are not subject to this order. 9881

(3) Determine the adjusted income of the parents by 9882
subtracting the credit for minor children not subject to this 9883
order computed under division (C) (2) of this section, from the 9884
annual income of each parent for the children each has a duty to 9885
support that are not subject to this order. 9886

(4) If the number of children is greater than six, 9887
multiply the amount for three children by: 9888

(a) 1.440 for seven children; 9889

(b) 1.540 for eight children; 9890

(c) 1.638 for nine children;	9891
(d) 1.734 for ten children;	9892
(e) 1.827 for eleven children;	9893
(f) 1.919 for twelve children;	9894
(g) 2.008 for thirteen children;	9895
(h) 2.096 for fourteen children;	9896
(i) 2.182 for more than fourteen children.	9897
(D) When the court or agency calculates the annual income	9898
of a parent, it shall include the lesser of the following as	9899
income from overtime and bonuses:	9900
(1) The yearly average of all overtime, commissions, and	9901
bonuses received during the three years immediately prior to the	9902
time when the person's child support obligation is being	9903
computed;	9904
(2) The total overtime, commissions, and bonuses received	9905
during the year immediately prior to the time when the person's	9906
child support obligation is being computed.	9907
(E) When the court or agency calculates the annual income	9908
of a parent, it shall not include any income earned by the	9909
spouse of that parent.	9910
(F) The court shall issue a separate medical support order	9911
for extraordinary medical expenses, including orthodontia,	9912
dental, optical, and psychological services.	9913
If the court makes an order for payment of private	9914
education, and other appropriate expenses, it shall do so by	9915
issuing a separate order.	9916

The court may consider these expenses in adjusting a child support order. 9917
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(G) When a court or agency calculates the amount of child support to be paid pursuant to a court child support order or an administrative child support order, the following shall apply: 9919
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(1) The court or agency shall apply the basic child support schedule to the parents' combined annual incomes and to each parent's individual income. 9922
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(2) If the combined annual income of both parents or the individual annual income of a parent is an amount that is between two amounts set forth in the first column of the schedule, the court or agency may use the basic child support obligation that corresponds to the higher of the two amounts in the first column of the schedule, use the basic child support obligation that corresponds to the lower of the two amounts in the first column of the schedule, or calculate a basic child support obligation that is between those two amounts and corresponds proportionally to the parents' actual combined annual income or the individual parent's annual income. 9925
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(3) If the annual individual income of either or both of the parents is within the self-sufficiency reserve in the basic child support schedule, the court or agency shall do both of the following: 9936
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9938
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(a) Calculate the basic child support obligation for the parents using the schedule amount applicable to the combined annual income and the schedule amount applicable to the income in the self-sufficiency reserve; 9940
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9942
9943

(b) Determine the lesser of the following amounts to be the applicable basic child support obligation: 9944
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(i) The amount that results from using the combined annual 9946
income of the parents not in the self-sufficiency reserve of the 9947
schedule; or 9948

(ii) The amount that results from using the individual 9949
parent's income within the self-sufficiency reserve of the 9950
schedule. 9951

(H) When the court or agency calculates annual income, the 9952
court or agency, when appropriate, may average income over a 9953
reasonable period of years. 9954

(I) Unless it would be unjust or inappropriate and 9955
therefore not in the best interests of the child, a court or 9956
agency shall not determine a parent to be voluntarily unemployed 9957
or underemployed and shall not impute income to that parent if 9958
any of the following conditions exist: 9959

(1) The parent is receiving recurring monetary income from 9960
means-tested public assistance benefits, including cash 9961
assistance payments under the Ohio works first program 9962
established under Chapter 5107. of the Revised Code, general 9963
assistance under former Chapter 5113. of the Revised Code, 9964
supplemental security income, or means-tested veterans' 9965
benefits; 9966

(2) The parent is approved for social security disability 9967
insurance benefits because of a mental or physical disability, 9968
or the court or agency determines that the parent is unable to 9969
work based on medical documentation that includes a physician's 9970
diagnosis and a physician's opinion regarding the parent's 9971
mental or physical disability and inability to work. 9972

(3) The parent has proven that the parent has made 9973
continuous and diligent efforts without success to find and 9974

accept employment, including temporary employment, part-time 9975
employment, or employment at less than the parent's previous 9976
salary or wage. 9977

(4) The parent is complying with court-ordered family 9978
reunification efforts in a child ~~abuse, neglect, or dependency~~ 9979
in need of protective services proceeding, to the extent that 9980
compliance with those efforts limits the parent's ability to 9981
earn income. 9982

(5) The parent is institutionalized for a period of twelve 9983
months or more with no other available income or assets. 9984

(J) When a court or agency calculates the income of a 9985
parent, it shall not determine a parent to be voluntarily 9986
unemployed or underemployed and shall not impute income to that 9987
parent if the parent is incarcerated. 9988

(K) When a court or agency requires a parent to pay an 9989
amount for that parent's failure to support a child for a period 9990
of time prior to the date the court modifies or issues a court 9991
child support order or an agency modifies or issues an 9992
administrative child support order for the current support of 9993
the child, the court or agency shall calculate that amount using 9994
the basic child support schedule, worksheets, and child support 9995
laws in effect, and the incomes of the parents as they existed, 9996
for that prior period of time. 9997

(L) A court or agency may disregard a parent's additional 9998
income from overtime or additional employment when the court or 9999
agency finds that the additional income was generated primarily 10000
to support a new or additional family member or members, or 10001
under other appropriate circumstances. 10002

(M) If both parents involved in the immediate child 10003

support determination have a prior order for support relative to 10004
a minor child or children born to both parents, the court or 10005
agency shall collect information about the existing order or 10006
orders and consider those together with the current calculation 10007
for support to ensure that the total of all orders for all 10008
children of the parties does not exceed the amount that would 10009
have been ordered if all children were addressed in a single 10010
judicial or administrative proceeding. 10011

(N) A support obligation of a parent with annual income 10012
subject to the self-sufficiency reserve of the basic child 10013
support schedule shall not exceed the support obligation that 10014
would result from application of the schedule without the 10015
reserve. 10016

(O) Any non-means tested benefit received by the child or 10017
children subject to the order resulting from the claims of 10018
either parent shall be deducted from that parent's annual child 10019
support obligation after all other adjustments have been made. 10020
If that non-means tested benefit exceeds the child support 10021
obligation of the parent from whose claim the benefit is 10022
realized, the child support obligation for that parent shall be 10023
zero. 10024

(P) As part of the child support calculation, the parents 10025
shall be ordered to share the costs of child care. Subject to 10026
the limitations in this division, a child support obligor shall 10027
pay an amount equal to the obligor's income share of the child 10028
care cost incurred for the child or children subject to the 10029
order. 10030

(1) The child care cost used in the calculation: 10031

(a) Shall be for the child determined to be necessary to 10032

allow a parent to work, or for activities related to employment training; 10033
10034

(b) Shall be verifiable by credible evidence as determined by a court or child support enforcement agency; 10035
10036

(c) Shall exclude any reimbursed or subsidized child care cost, including any state or federal tax credit for child care available to the parent or caretaker, whether or not claimed 10037
10038
10039

(d) Shall not exceed the maximum state-wide average cost estimate as determined in accordance with 45 C.F.R. 98.45. 10040
10041

(2) When the annual income of the obligor is subject to the self-sufficiency reserve of the basic support schedule, the share of the child care cost paid by the obligor shall be equal to the lower of the obligor's income share of the child care cost, or fifty per cent of the child care cost. 10042
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(Q) As used in this section, a parent is considered "incarcerated" if the parent is confined under a sentence imposed for an offense or serving a term of imprisonment, jail, or local incarceration, or other term under a sentence imposed by a government entity authorized to order such confinement. 10047
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Sec. 3119.23. The court may consider any of the following factors in determining whether to grant a deviation pursuant to section 3119.22 of the Revised Code: 10052
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(A) Special and unusual needs of the child or children, including needs arising from the physical or psychological condition of the child or children; 10055
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10057

(B) Other court-ordered payments; 10058

(C) Extended parenting time or extraordinary costs associated with parenting time, including extraordinary travel 10059
10060

expenses when exchanging the child or children for parenting time;	10061
	10062
(D) The financial resources and the earning ability of the child or children;	10063
	10064
(E) The relative financial resources, including the disparity in income between parties or households, other assets, and the needs of each parent;	10065
	10066
	10067
(F) The obligee's income, if the obligee's annual income is equal to or less than one hundred per cent of the federal poverty level;	10068
	10069
	10070
(G) Benefits that either parent receives from remarriage or sharing living expenses with another person;	10071
	10072
(H) The amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both of the parents;	10073
	10074
(I) Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing;	10075
	10076
	10077
(J) Extraordinary work-related expenses incurred by either parent;	10078
	10079
(K) The standard of living and circumstances of each parent and the standard of living the child would have enjoyed had the marriage continued or had the parents been married;	10080
	10081
	10082
(L) The educational opportunities that would have been available to the child had the circumstances requiring a child support order not arisen;	10083
	10084
	10085
(M) The responsibility of each parent for the support of others, including support of a child or children with	10086
	10087

disabilities who are not subject to the support order;	10088
(N) Post-secondary educational expenses paid for by a parent for the parent's own child or children, regardless of whether the child or children are emancipated;	10089 10090 10091
(O) Costs incurred or reasonably anticipated to be incurred by the parents in compliance with court-ordered reunification efforts in child abuse, neglect, or dependency in <u>need of protective services</u> cases;	10092 10093 10094 10095
(P) Extraordinary child care costs required for the child or children that exceed the maximum state-wide average cost estimate as described in division (P) (1) (d) of section 3119.05 of the Revised Code, including extraordinary costs associated with caring for a child or children with specialized physical, psychological, or educational needs;	10096 10097 10098 10099 10100 10101
(Q) Any other relevant factor.	10102
If the court grants a deviation based on division (Q) of this section, it shall specifically state in the order the facts that are the basis for the deviation.	10103 10104 10105
Sec. 3127.01. (A) As used in the Revised Code, "uniform child custody jurisdiction and enforcement act" means the act addressing interstate recognition and enforcement of child custody orders adopted in 1997 by the national conference of commissioners on uniform state laws or any law substantially similar to the act adopted by another state.	10106 10107 10108 10109 10110 10111
(B) As used in sections 3127.01 to 3127.53 of the Revised Code:	10112 10113
(1) "Abandoned" means the parents of a child have failed to visit or maintain contact with the child for more than ninety	10114 10115

days, regardless of whether the parents resume contact with the 10116
child after that ninety-day period. 10117

(2) "Child" means an individual who has not attained 10118
eighteen years of age. 10119

(3) "Child custody determination" means a judgment, 10120
decree, or other order of a court that provides for legal 10121
custody, physical custody, parenting time, or visitation with 10122
respect to a child. "Child custody determination" includes an 10123
order that allocates parental rights and responsibilities. 10124
"Child custody determination" includes permanent, temporary, 10125
initial, and modification orders. "Child custody determination" 10126
does not include an order or the portion of an order relating to 10127
child support or other monetary obligations of an individual. 10128

(4) "Child custody proceeding" means a proceeding in which 10129
legal custody, physical custody, parenting time, or visitation 10130
with respect to a child is an issue. "Child custody proceeding" 10131
may include a proceeding for divorce, separation, ~~neglect,~~ 10132
~~abuse, dependency~~child in need of protective services, 10133
guardianship, parentage, termination of parental rights, or 10134
protection from domestic violence. "Child custody proceeding" 10135
does not include a proceeding regarding juvenile delinquency, 10136
contractual emancipation, or enforcement pursuant to sections 10137
3127.31 to 3127.47 of the Revised Code. 10138

(5) "Commencement" means the filing of the first pleading 10139
in a proceeding. 10140

(6) "Court" means an entity authorized under the law of a 10141
state to establish, enforce, or modify a child custody 10142
determination. 10143

(7) "Home state" means the state in which a child lived 10144

with a parent or a person acting as a parent for at least six 10145
consecutive months immediately preceding the commencement of a 10146
child custody proceeding and, if a child is less than six months 10147
old, the state in which the child lived from birth with any of 10148
them. A period of temporary absence of any of them is counted as 10149
part of the six-month or other period. 10150

(8) "Initial determination" means the first child custody 10151
determination concerning a particular child. 10152

(9) "Issuing court" means the court that makes a child 10153
custody determination for which enforcement is sought under 10154
sections 3127.01 to 3127.53 of the Revised Code. 10155

(10) "Issuing state" means the state in which a child 10156
custody determination is made. 10157

(11) "Modification" means a child custody determination 10158
that changes, replaces, supersedes, or is otherwise made after a 10159
determination concerning the same child, whether or not it is 10160
made by the court that made the previous determination. 10161

(12) "Person" means an individual; corporation; business 10162
trust; estate; trust; partnership; limited liability company; 10163
association; joint venture; government; governmental 10164
subdivision, agency, or instrumentality; public corporation; or 10165
any other legal or commercial entity. 10166

(13) "Person acting as a parent" means a person, other 10167
than the child's parent, who meets both of the following 10168
criteria: 10169

(a) The person has physical custody of the child or has 10170
had physical custody for a period of six consecutive months, 10171
including any temporary absence from the child, within one year 10172
immediately before the commencement of a child custody 10173

proceeding; and 10174

(b) The person has been awarded legal custody by a court 10175
or claims a right to legal custody under the law of this state. 10176

(14) "Physical custody" means the physical care and 10177
supervision of a child. 10178

(15) "State" means a state of the United States, the 10179
District of Columbia, Puerto Rico, the United States Virgin 10180
Islands, or any territory or insular possession subject to the 10181
jurisdiction of the United States. 10182

(16) "Tribe" means an Indian tribe or Alaskan Native 10183
village that is recognized by federal or state law. 10184

(17) "Warrant" means an order issued by a court 10185
authorizing law enforcement officers to take physical custody of 10186
a child. 10187

Sec. 3127.23. (A) Each party in a child custody 10188
proceeding, in the party's first pleading or in an affidavit 10189
attached to that pleading, shall give information if reasonably 10190
ascertainable under oath as to the child's present address or 10191
whereabouts, the places where the child has lived within the 10192
last five years, and the name and present address of each person 10193
with whom the child has lived during that period. In this 10194
pleading or affidavit, each party also shall include all of the 10195
following information: 10196

(1) Whether the party has participated as a party, a 10197
witness, or in any other capacity in any other proceeding 10198
concerning the allocation, between the parents of the same 10199
child, of parental rights and responsibilities for the care of 10200
the child including any designation of parenting time rights and 10201
the designation of the residential parent and legal custodian of 10202

the child or that otherwise concerned the custody of or 10203
visitation with the same child and, if so, the court, case 10204
number and the date of the child custody determination, if any; 10205

(2) Whether the party knows of any proceedings that could 10206
affect the current proceeding, including proceedings for 10207
enforcement of child custody determinations, proceedings 10208
relating to domestic violence or protection orders, proceedings 10209
to adjudicate the child as ~~an abused, neglected, or dependent a~~ 10210
child in need of protective services, proceedings seeking 10211
termination of parental rights, and adoptions, and, if so, the 10212
court, the case number, and the nature of the proceeding; 10213

(3) Whether the party knows of any person who is not a 10214
party to the proceeding and has physical custody of the child or 10215
claims to be a parent of the child who is designated the 10216
residential parent and legal custodian of the child or to have 10217
parenting time rights with respect to the child or to be a 10218
person other than a parent of the child who has custody or 10219
visitation rights with respect to the child and, if so, the 10220
names and addresses of those persons. 10221

(B) If the declaration under division (A) (1), (2), or (3) 10222
of this section is in the affirmative, the declarant shall give 10223
additional information as required by the court. The court may 10224
examine the parties under oath as to details of the information 10225
furnished and as to other matters pertinent to the court's 10226
jurisdiction and the disposition of the case. 10227

(C) Each party has a continuing duty to inform the court 10228
of any child custody proceeding concerning the child in this or 10229
any other state that could affect the current proceeding. 10230

(D) If a party alleges in an affidavit or a pleading under 10231

oath that the health, safety, or liberty of a party or child 10232
would be jeopardized by the disclosure of identifying 10233
information, the information shall be sealed and may not be 10234
disclosed to the other party or the public unless the court 10235
orders the disclosure to be made after a hearing in which the 10236
court takes into consideration the health, safety, and liberty 10237
of the party or child and determines that the disclosure is in 10238
the interests of justice. 10239

(E) A public children services agency, acting pursuant to 10240
a complaint or an action on a complaint filed under section 10241
2151.27 of the Revised Code, is not subject to the requirements 10242
of this section. 10243

~~(F) As used in this section, "abused child" has the same 10244
meaning as in section 2151.031 of the Revised Code, "neglected 10245
child" has the same meaning as in section 2151.03 of the Revised 10246
Code, and "dependent child" has the same meaning as in section 10247
2151.04 of the Revised Code. 10248~~

Sec. 3127.38. (A) A petition for enforcement pursuant to 10249
sections 3127.31 to 3127.46 of the Revised Code must be 10250
verified. All orders sought to be enforced and any order 10251
confirming registration must be attached to the petition. The 10252
orders attached to the petition shall be the original or a 10253
certified copy, whichever a court requires. 10254

(B) A petition for enforcement of a child custody 10255
determination shall state all of the following: 10256

(1) Whether the court that issued the child custody 10257
determination identified the jurisdictional basis it relied upon 10258
in exercising jurisdiction and, if so, what the basis was; 10259

(2) Whether the determination for which enforcement is 10260

sought has been vacated, stayed, or modified by a court whose 10261
decision must be enforced under this chapter and, if so, 10262
identify the court, the case number, and the nature of the 10263
proceeding; 10264

(3) Whether any proceeding has been commenced that could 10265
affect the current proceeding, including proceedings for 10266
enforcement of child custody determinations, proceedings 10267
relating to domestic violence or protection orders, proceedings 10268
to adjudicate the child as ~~an abused, neglected, or dependent~~ a 10269
child in need of protective services, proceedings seeking 10270
termination of parental rights, and adoptions, and, if so, the 10271
court, the case number, and the nature of the proceeding; 10272

(4) The present physical address of the child and the 10273
respondent, if known; 10274

(5) Whether relief in addition to the immediate physical 10275
custody of the child and attorney's fees is sought, including a 10276
request for assistance from law enforcement officials and, if 10277
so, the relief sought; 10278

(6) If the child custody determination has been registered 10279
and confirmed under section 3127.35 of the Revised Code, the 10280
date and place of registration. 10281

(C) Upon the filing of a petition, the court shall issue 10282
an order directing the respondent to appear in person with or 10283
without the child at a hearing and may enter any order necessary 10284
to ensure the safety of the parties and the child. If possible, 10285
the hearing must be held on the next judicial day after service 10286
of the order. If holding the hearing on that date is impossible, 10287
the court shall hold the hearing on the first judicial day 10288
possible. The court may extend the date of the hearing at the 10289

request of the petitioner. 10290

(D) An order issued under division (C) of this section 10291
shall state the time and place of the hearing and advise the 10292
respondent that at the hearing the court will order that the 10293
petitioner may take immediate physical custody of the child and 10294
that the respondent pay fees, costs, and expenses under section 10295
3127.42 of the Revised Code and may schedule a hearing to 10296
determine whether further relief is appropriate, unless the 10297
respondent appears and establishes either of the following: 10298

(1) That the child custody determination has not been 10299
registered and confirmed under section 3127.35 of the Revised 10300
Code and that one of the following circumstances applies: 10301

(a) The issuing court did not have jurisdiction under 10302
sections 3127.15 to 3127.24 of the Revised Code or a similar 10303
statute of another state. 10304

(b) The child custody determination for which enforcement 10305
is sought has been vacated, stayed, or modified by a court 10306
having jurisdiction to do so under sections 3127.15 to 3127.24 10307
of the Revised Code or a similar statute of another state. 10308

(c) The respondent was entitled to notice of the child 10309
custody proceeding for which enforcement is sought, but notice 10310
was not given in accordance with the standards of section 10311
3127.07 of the Revised Code or a similar statute of another 10312
state. 10313

(2) That the child custody determination for which 10314
enforcement is sought was registered and confirmed under section 10315
3127.35 of the Revised Code but has been vacated, stayed, or 10316
modified by a court of a state having jurisdiction to do so 10317
under sections 3127.15 to 3127.24 of the Revised Code or a 10318

similar statute of another state. 10319

Sec. 3313.642. (A) Except as provided in division (B) of 10320
this section and notwithstanding the provisions of sections 10321
3313.48 and 3313.64 of the Revised Code, the board of education 10322
of a city, exempted village, or local school district shall not 10323
be required to furnish, free of charge, to the pupils attending 10324
the public schools any materials used in a course of instruction 10325
with the exception of the necessary textbooks or electronic 10326
textbooks required to be furnished without charge pursuant to 10327
section 3329.06 of the Revised Code. The board may, however, 10328
make provision by appropriations transferred from the general 10329
fund of the district or otherwise for furnishing free of charge 10330
any materials used in a course of instruction to such pupils as 10331
it determines are in serious financial need of such materials. 10332

(B) No board of education of a school district shall 10333
charge a fee to a pupil who is eligible for a free lunch under 10334
the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 10335
1751, as amended, and the "Child Nutrition Act of 1966," 80 10336
Stat. 885, 42 U.S.C. 1771, as amended, for any materials needed 10337
to enable the pupil to participate fully in a course of 10338
instruction. The prohibition in this division against charging a 10339
fee does not apply to any fee charged for any of the following: 10340

(1) Any materials needed to enable a pupil to participate 10341
fully in extracurricular activities or in any pupil enrichment 10342
program that is not a course of instruction; 10343

(2) Any tools, equipment, and materials that are necessary 10344
for workforce-readiness training within a career-technical 10345
education program that, to the extent the tools, equipment, and 10346
materials are not consumed, may be retained by the student upon 10347
course completion. 10348

(C) Boards of education may adopt rules and regulations 10349
prescribing each of the following: 10350

(1) A schedule of fees for materials used in a course of 10351
instruction; 10352

(2) A schedule of charges which may be imposed upon pupils 10353
for the loss, damage, or destruction of school apparatus, 10354
equipment, musical instruments, library material, textbooks, or 10355
electronic textbooks required to be furnished without charge, 10356
and for damage to school buildings. 10357

Except as provided in division (D) of this section, boards 10358
of education may enforce the payment of such fees and charges by 10359
withholding the grades and credits of the pupils concerned. 10360

(D) No board of education shall withhold the grades, 10361
credits, official transcripts, diploma, IEPs, or 504 plans of a 10362
pupil for nonpayment of fees for materials used in a course of 10363
instruction imposed under division (C) (1) of this section, if a 10364
complaint has been filed at any time in a juvenile court 10365
alleging that the pupil is ~~an abused, neglected, or dependent~~ a 10366
child in need of protective services or if the pupil has been 10367
adjudicated ~~an abused, neglected, or dependent~~ a child in need 10368
of protective services. 10369

A board shall require that the grades, credits, official 10370
transcripts, IEPs, or 504 plan of a pupil described in this 10371
division be transferred immediately upon the receipt of either 10372
another district's or school's request for those records under 10373
section 3313.672 of the Revised Code or a juvenile judge's order 10374
under section 2151.272 of the Revised Code. 10375

A board that is required to transfer records under 10376
division (D) of this section may request a copy of any order 10377

regarding the child's custody or placement issued pursuant to a 10378
complaint filed under section 2151.27 of the Revised Code. 10379
However, a board shall not withhold records required to be 10380
transferred under that division pending receipt of a copy of the 10381
order. 10382

(E) Each board of education annually shall report to the 10383
department of education and workforce the number of pupils for 10384
whom the board sends transcripts under division (D) of this 10385
section and the total amount of unpaid fees lost due to 10386
compliance with that division. 10387

(F) As used in this section: 10388

(1) "IEP" has the same meaning as in section 3323.01 of 10389
the Revised Code. 10390

(2) "504 plan" means a plan based on an evaluation 10391
conducted in accordance with section 504 of the "Rehabilitation 10392
Act of 1973," 29 U.S.C. 794, as amended. 10393

Sec. 3321.22. (A) Except as provided in division (B) of 10394
this section, if a complaint is filed against the parent, 10395
guardian, or other person in charge of a child for a failure to 10396
cause the child to attend school or a part-time school or class 10397
and if the parent, guardian, or other person proves an inability 10398
to do so, then the parent, guardian, or other person in charge 10399
of a child shall be discharged. Upon the discharge, the 10400
attendance officer shall file a complaint before the judge of 10401
the juvenile court of the county alleging that the child is a 10402
delinquent child, or unruly child, ~~or dependent child~~ within the 10403
meaning of section 2151.022, ~~2151.04,~~ or 2152.02 of the Revised 10404
Code or a child in need of protective services. The judge shall 10405
hear the complaint and if the judge determines that the child is 10406

a delinquent, ~~or unruly, or dependent~~ child ~~within one of those~~ 10407
~~sections or a child in need of protective services,~~ the judge 10408
shall deal with the child according to section 2151.35 or 10409
2151.36 of the Revised Code. 10410

(B) Division (A) of this section does not apply regarding 10411
a complaint filed under division (D) or (E) of section 3321.19 10412
of the Revised Code or otherwise filed and alleging that a child 10413
is an habitual truant. 10414

Sec. 3796.24. (A) The holder of a license, as defined in 10415
section 4776.01 of the Revised Code, is not subject to 10416
professional disciplinary action solely for engaging in 10417
professional or occupational activities related to medical 10418
marijuana. 10419

(B) Unless there is clear and convincing evidence that a 10420
child is unsafe, the use, possession, or administration of 10421
medical marijuana in accordance with this chapter shall not be 10422
the sole or primary basis for any of the following: 10423

(1) An adjudication under section 2151.28 of the Revised 10424
Code determining that a child is ~~an abused, neglected, or~~ 10425
~~dependent~~ a child in need of protective services; 10426

(2) An allocation of parental rights and responsibilities 10427
under section 3109.04 of the Revised Code; 10428

(3) A parenting time order under section 3109.051 or 10429
3109.12 of the Revised Code. 10430

(C) Notwithstanding any conflicting provision of the 10431
Revised Code, the use or possession of medical marijuana in 10432
accordance with this chapter shall not be used as a reason for 10433
disqualifying a patient from medical care or from including a 10434
patient on a transplant waiting list. 10435

(D) Notwithstanding any conflicting provision of the Revised Code, the use, possession, administration, cultivation, processing, testing, or dispensing of medical marijuana in accordance with this chapter shall not be used as the sole or primary reason for taking action under any criminal or civil statute in the forfeiture or seizure of any property or asset.

(E) Notwithstanding any conflicting provision of the Revised Code, a person's status as a registered patient or caregiver is not a sufficient basis for conducting a field sobriety test on the person or for suspending the person's driver's license. To conduct any field sobriety test, a law enforcement officer must have an independent, factual basis giving reasonable suspicion that the person is operating a vehicle under the influence of marijuana or with a prohibited concentration of marijuana in the person's whole blood, blood serum, plasma, breath, or urine.

(F) Notwithstanding any conflicting provision of the Revised Code, a person's status as a registered patient or caregiver shall not be used as the sole or primary basis for rejecting the person as a tenant unless the rejection is required by federal law.

(G) This chapter does not do any of the following:

(1) Require a physician to recommend that a patient use medical marijuana to treat a qualifying medical condition;

(2) Permit the use, possession, or administration of medical marijuana other than as authorized by this chapter;

(3) Permit the use, possession, or administration of medical marijuana on federal land located in this state;

(4) Require any public place to accommodate a registered

patient's use of medical marijuana; 10465

(5) Prohibit any public place from accommodating a 10466
registered patient's use of medical marijuana; 10467

(6) Restrict research related to marijuana conducted at a 10468
state university, academic medical center, or private research 10469
and development organization as part of a research protocol 10470
approved by an institutional review board or equivalent entity. 10471

Sec. 4501.21. (A) There is hereby created in the state 10472
treasury the license plate contribution fund. The fund shall 10473
consist of all contributions for specialty license plates paid 10474
by motor vehicle registrants and collected by the registrar of 10475
motor vehicles pursuant to the Revised Code sections referenced 10476
in division (B) of this section. 10477

(B) The registrar shall pay the contributions the 10478
registrar collects in the fund as follows: 10479

The registrar shall pay the contributions received 10480
pursuant to section 4503.491 of the Revised Code to the breast 10481
cancer fund of Ohio, which shall use that money only to pay for 10482
programs that provide assistance and education to Ohio breast 10483
cancer patients and that improve access for such patients to 10484
quality health care and clinical trials and shall not use any of 10485
the money for abortion information, counseling, services, or 10486
other abortion-related activities. 10487

The registrar shall pay the contributions the registrar 10488
receives pursuant to section 4503.492 of the Revised Code to the 10489
organization cancer support community central Ohio, which shall 10490
deposit the money into the Sheryl L. Kraner Fund of that 10491
organization. Cancer support community central Ohio shall expend 10492
the money it receives pursuant to this division only in the same 10493

manner and for the same purposes as that organization expends 10494
other money in that fund. 10495

The registrar shall pay the contributions received 10496
pursuant to section 4503.493 of the Revised Code to the autism 10497
society of Ohio, which shall use the contributions for programs 10498
and autism awareness efforts throughout the state. 10499

The registrar shall pay the contributions the registrar 10500
receives pursuant to section 4503.494 of the Revised Code to the 10501
national multiple sclerosis society for distribution in equal 10502
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 10503
chapters of the national multiple sclerosis society. These 10504
chapters shall use the money they receive under this section to 10505
assist in paying the expenses they incur in providing services 10506
directly to their clients. 10507

The registrar shall pay the contributions the registrar 10508
receives pursuant to section 4503.495 of the Revised Code to the 10509
national pancreatic cancer foundation, which shall use the money 10510
it receives under this section to assist those who have 10511
pancreatic cancer and their families. 10512

The registrar shall pay the contributions the registrar 10513
receives pursuant to section 4503.496 of the Revised Code to the 10514
Ohio sickle cell and health association, which shall use the 10515
contributions to help support educational, clinical, and social 10516
support services for adults who have sickle cell disease. 10517

The registrar shall pay the contributions the registrar 10518
receives pursuant to section 4503.497 of the Revised Code to the 10519
St. Baldrick's foundation, which shall use the contributions for 10520
its research and other programs. 10521

The registrar shall pay the contributions the registrar 10522

receives pursuant to section 4503.498 of the Revised Code to 10523
special olympics Ohio, inc., which shall use the contributions 10524
for its programs, charitable efforts, and other activities. 10525

The registrar shall pay the contributions the registrar 10526
receives pursuant to section 4503.499 of the Revised Code to the 10527
children's glioma cancer foundation, which shall use the 10528
contributions for its research and other programs. 10529

The registrar shall pay the contributions the registrar 10530
receives pursuant to section 4503.4910 of the Revised Code to 10531
the KylerStrong foundation, which shall use the contributions to 10532
raise awareness of brain cancer caused by diffuse intrinsic 10533
pontine glioma and to fund research for the cure of such cancer. 10534

The registrar shall pay the contributions the registrar 10535
receives pursuant to section 4503.4911 of the Revised Code to 10536
the research institution for childhood cancer at nationwide 10537
children's hospital, which shall use the contributions to fund 10538
research for the cure of childhood cancers. 10539

The registrar shall pay the contributions the registrar 10540
receives pursuant to section 4503.50 of the Revised Code to the 10541
future farmers of America foundation, which shall deposit the 10542
contributions into its general account to be used for 10543
educational and scholarship purposes of the future farmers of 10544
America foundation. 10545

The registrar shall pay the contributions the registrar 10546
receives pursuant to section 4503.501 of the Revised Code to the 10547
4-H youth development program of the Ohio state university 10548
extension program, which shall use those contributions to pay 10549
the expenses it incurs in conducting its educational activities. 10550

The registrar shall pay the contributions received 10551

pursuant to section 4503.502 of the Revised Code to the Ohio
cattlemen's foundation, which shall use those contributions for
scholarships and other educational activities.

The registrar shall pay the contributions received
pursuant to section 4503.505 of the Revised Code to the
organization Ohio region phi theta kappa, which shall use those
contributions for scholarships for students who are members of
that organization.

The registrar shall pay the contributions the registrar
receives pursuant to section 4503.506 of the Revised Code to
Ohio demolay, which shall use the contributions for
scholarships, educational programs, and any other programs or
events the organization holds or sponsors in this state.

The registrar shall pay the contributions received
pursuant to section 4503.507 of the Revised Code to the Ohio
aerospace institute, which shall use those contributions to
facilitate student internships in aerospace and educational
programming.

The registrar shall pay the contributions received
pursuant to section 4503.508 of the Revised Code to the
organization bottoms up diaper drive to provide funding for that
organization for collecting and delivering diapers to parents in
need.

The registrar shall pay the contributions the registrar
receives pursuant to section 4503.509 of the Revised Code to a
kid again, incorporated for distribution in equal amounts to the
Ohio chapters of a kid again.

The registrar shall pay each contribution the registrar
receives pursuant to section 4503.51 of the Revised Code to the

university or college whose name or marking or design appears on 10581
collegiate license plates that are issued to a person under that 10582
section. A university or college that receives contributions 10583
from the fund shall deposit the contributions into its general 10584
scholarship fund. 10585

The registrar shall pay the contributions the registrar 10586
receives pursuant to section 4503.514 of the Revised Code to the 10587
university of Notre Dame in South Bend, Indiana, for purposes of 10588
awarding grants or scholarships to residents of Ohio who attend 10589
the university. The university shall not use any of the funds it 10590
receives for purposes of administering the scholarship program. 10591
The registrar shall enter into appropriate agreements with the 10592
university of Notre Dame to effectuate the distribution of such 10593
funds as provided in this section. 10594

The registrar shall pay the contributions the registrar 10595
receives pursuant to section 4503.516 of the Revised Code to 10596
Marshall university in Huntington, West Virginia, for purposes 10597
of awarding grants or scholarships to residents of Ohio who 10598
attend the university. The university shall not use any of the 10599
funds it receives for purposes of administering the scholarship 10600
program. The registrar shall enter into appropriate agreements 10601
with Marshall university to effectuate the distribution of such 10602
funds as provided in this section. 10603

The registrar shall pay the contributions the registrar 10604
receives pursuant to section 4503.517 of the Revised Code to the 10605
university of Alabama in Tuscaloosa, Alabama, for purposes of 10606
awarding grants or scholarships to residents of Ohio who attend 10607
the university. The university shall not use any of the funds it 10608
receives for purposes of administering the scholarship program. 10609
The registrar shall enter into appropriate agreements with the 10610

university of Alabama to effectuate the distribution of such 10611
funds as provided in this section. 10612

The registrar shall pay the contributions the registrar 10613
receives pursuant to section 4503.518 of the Revised Code to the 10614
Nationwide children's hospital, which shall use the 10615
contributions for the "On Our Sleeves" campaign. 10616

The registrar shall pay the contributions the registrar 10617
receives pursuant to section 4503.519 of the Revised Code 10618
equally to NAMI Ohio (national alliance on mental illness of 10619
Ohio), Ohio peer recovery organizations, and OCAAR (Ohio citizen 10620
advocates for addiction recovery). 10621

The registrar shall pay the contributions the registrar 10622
receives pursuant to section 4503.521 of the Revised Code to the 10623
Ohio bicycle federation to assist that organization in paying 10624
for the educational programs it sponsors in support of Ohio 10625
cyclists of all ages. 10626

The registrar shall pay the contributions the registrar 10627
receives pursuant to section 4503.522 of the Revised Code to the 10628
"friends of Perry's victory and international peace memorial, 10629
incorporated," a nonprofit corporation organized under the laws 10630
of this state, to assist that organization in paying the 10631
expenses it incurs in sponsoring or holding charitable, 10632
educational, and cultural events at the monument. 10633

The registrar shall pay the contributions the registrar 10634
receives pursuant to section 4503.523 of the Revised Code to the 10635
fairport lights foundation, which shall use the money to pay for 10636
the restoration, maintenance, and preservation of the 10637
lighthouses of fairport harbor. 10638

The registrar shall pay the contributions the registrar 10639

receives pursuant to section 4503.524 of the Revised Code to the 10640
Massillon tiger football booster club, which shall use the 10641
contributions only to promote and support the football team of 10642
Washington high school of the Massillon city school district. 10643

The registrar shall pay the contributions the registrar 10644
receives pursuant to section 4503.525 of the Revised Code to the 10645
United States power squadron district seven which shall annually 10646
distribute the contributions in equal amounts to all United 10647
States power squadrons located in the state. Each power squadron 10648
district shall use the money it receives under this section to 10649
pay for the educational boating programs each district holds or 10650
sponsors within this state. 10651

The registrar shall pay the contributions the registrar 10652
receives pursuant to section 4503.526 of the Revised Code to the 10653
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 10654
international, which shall use the money it receives under this 10655
section to pay the costs of its educational and humanitarian 10656
activities. 10657

The registrar shall pay the contributions the registrar 10658
receives pursuant to section 4503.528 of the Revised Code to the 10659
Ohio children's alliance, which shall use the money it receives 10660
under this section to pay the expenses it incurs in advancing 10661
its mission of sustainably improving the provision of services 10662
to children, young adults, and families in this state. 10663

The registrar shall pay the contributions the registrar 10664
receives pursuant to section 4503.529 of the Revised Code to the 10665
Ohio nurses foundation. The foundation shall use the money it 10666
receives under this section to provide educational scholarships 10667
to assist individuals who aspire to join the nursing profession, 10668
to assist nurses in the nursing profession who seek to advance 10669

their education, and to support persons conducting nursing 10670
research concerning the evidence-based practice of nursing and 10671
the improvement of patient outcomes. 10672

The registrar shall pay the contributions the registrar 10673
receives pursuant to section 4503.531 of the Revised Code to the 10674
thank you foundation, incorporated, a nonprofit corporation 10675
organized under the laws of this state, to assist that 10676
organization in paying for the charitable activities and 10677
programs it sponsors in support of United States military 10678
personnel, veterans, and their families. 10679

The registrar shall pay the contributions the registrar 10680
receives pursuant to section 4503.532 of the Revised Code to the 10681
Ohio history connection, which shall use the contributions for 10682
the benefit of the Paul Laurence Dunbar house. 10683

The registrar shall pay the contributions the registrar 10684
receives pursuant to section 4503.533 of the Revised Code to the 10685
nonprofit organization Ohio conference of teamsters and industry 10686
health and welfare fund, which shall use the contributions to 10687
further the nonprofit's mission. 10688

The registrar shall pay the contributions the registrar 10689
receives pursuant to section 4503.534 of the Revised Code to the 10690
disabled American veterans department of Ohio, to be used for 10691
programs that serve disabled American veterans and their 10692
families. 10693

The registrar shall pay the contributions the registrar 10694
receives pursuant to section 4503.55 of the Revised Code to the 10695
pro football hall of fame, which shall deposit the contributions 10696
into a special bank account that it establishes and which shall 10697
be separate and distinct from any other account the pro football 10698

hall of fame maintains, to be used exclusively for the purpose 10699
of promoting the pro football hall of fame as a travel 10700
destination. 10701

The registrar shall pay the contributions that are paid to 10702
the registrar pursuant to section 4503.545 of the Revised Code 10703
to the national rifle association foundation, which shall use 10704
the money to pay the costs of the educational activities and 10705
programs the foundation holds or sponsors in this state. 10706

The registrar shall pay to the Ohio pet fund the 10707
contributions the registrar receives pursuant to section 10708
4503.551 of the Revised Code and any other money from any other 10709
source, including donations, gifts, and grants, that is 10710
designated by the source to be paid to the Ohio pet fund. The 10711
Ohio pet fund shall use the moneys it receives under this 10712
section to support programs for the sterilization of dogs and 10713
cats and for educational programs concerning the proper 10714
veterinary care of those animals, and for expenses of the Ohio 10715
pet fund that are reasonably necessary for it to obtain and 10716
maintain its tax-exempt status and to perform its duties. 10717

The registrar shall pay the contributions the registrar 10718
receives pursuant to section 4503.552 of the Revised Code to the 10719
rock and roll hall of fame and museum, incorporated. 10720

The registrar shall pay the contributions the registrar 10721
receives pursuant to section 4503.553 of the Revised Code to the 10722
Ohio coalition for animals, incorporated, a nonprofit 10723
corporation. Except as provided in division (B) of this section, 10724
the coalition shall distribute the money to its members, and the 10725
members shall use the money only to pay for educational, 10726
charitable, and other programs of each coalition member that 10727
provide care for unwanted, abused, and neglected horses. The 10728

Ohio coalition for animals may use a portion of the money to pay 10729
for reasonable marketing costs incurred in the design and 10730
promotion of the license plate and for administrative costs 10731
incurred in the disbursement and management of funds received 10732
under this section. 10733

The registrar shall pay the contributions the registrar 10734
receives pursuant to section 4503.554 of the Revised Code to the 10735
Ohio state council of the knights of Columbus, which shall use 10736
the contributions to pay for its charitable activities and 10737
programs. 10738

The registrar shall pay the contributions the registrar 10739
receives pursuant to section 4503.555 of the Revised Code to the 10740
western reserve historical society, which shall use the 10741
contributions to fund the Crawford auto aviation museum. 10742

The registrar shall pay the contributions the registrar 10743
receives pursuant to section 4503.556 of the Revised Code to the 10744
Erica J. Holloman foundation, inc., for the awareness of triple 10745
negative breast cancer. The foundation shall use the 10746
contributions for charitable and educational purposes. 10747

The registrar shall pay each contribution the registrar 10748
receives pursuant to section 4503.557 of the Revised Code to the 10749
central Ohio chapter of the Ronald McDonald house charities, 10750
which shall distribute the contribution to the chapter of the 10751
Ronald McDonald house charities in whose geographic territory 10752
the person who paid the contribution resides. 10753

The registrar shall pay the contributions the registrar 10754
receives pursuant to section 4503.559 of the Revised Code to 10755
playhouse square, located in Cleveland, Ohio, which shall use 10756
the contributions to further its mission of presenting and 10757

producing a wide variety of quality performing arts, advancing 10758
arts education, and creating a superior destination for 10759
entertainment, business, and residential living. 10760

The registrar shall pay the contributions the registrar 10761
receives pursuant to section 4503.561 of the Revised Code to the 10762
state of Ohio chapter of ducks unlimited, inc., which shall 10763
deposit the contributions into a special bank account that it 10764
establishes. The special bank account shall be separate and 10765
distinct from any other account the state of Ohio chapter of 10766
ducks unlimited, inc., maintains and shall be used exclusively 10767
for the purpose of protecting, enhancing, restoring, and 10768
managing wetlands and conserving wildlife habitat. The state of 10769
Ohio chapter of ducks unlimited, inc., annually shall notify the 10770
registrar in writing of the name, address, and account to which 10771
such payments are to be made. 10772

The registrar shall pay the contributions the registrar 10773
receives pursuant to section 4503.562 of the Revised Code to the 10774
Mahoning river consortium, which shall use the money to pay the 10775
expenses it incurs in restoring and maintaining the Mahoning 10776
river watershed. 10777

The registrar shall pay the contributions the registrar 10778
receives pursuant to section 4503.564 of the Revised Code to the 10779
Glen Helen association to pay expenses related to the Glen Helen 10780
nature preserve. 10781

The registrar shall pay the contributions the registrar 10782
receives pursuant to section 4503.565 of the Revised Code to the 10783
conservancy for Cuyahoga valley national park, which shall use 10784
the money in support of the park. 10785

The registrar shall pay the contributions the registrar 10786

receives pursuant to section 4503.566 of the Revised Code to the 10787
Ottawa national wildlife refuge, which shall use the 10788
contributions for wildlife preservation purposes. 10789

The registrar shall pay the contributions the registrar 10790
receives pursuant to section 4503.567 of the Revised Code to the 10791
girls on the run of Franklin county, inc., which shall use the 10792
contributions to support the activities of the organization. 10793

The registrar shall pay the contributions the registrar 10794
receives pursuant to section 4503.569 of the Revised Code to the 10795
Ohio bird sanctuary, located in Mansfield, Ohio, which shall use 10796
the contributions for purposes of its operations, bird care and 10797
rehabilitation, and educational programs. 10798

The registrar shall pay the contributions the registrar 10799
receives pursuant to section 4503.576 of the Revised Code to the 10800
Ohio state beekeepers association, which shall use those 10801
contributions to promote beekeeping, provide educational 10802
information about beekeeping, and to support other state and 10803
local beekeeping programs. 10804

The registrar shall pay the contributions the registrar 10805
receives pursuant to section 4503.577 of the Revised Code to the 10806
national aviation hall of fame, which shall use the 10807
contributions to fulfill its mission of honoring aerospace 10808
legends to inspire future leaders. 10809

The registrar shall pay the contributions the registrar 10810
receives pursuant to section 4503.578 of the Revised Code to 10811
keep Ohio beautiful, incorporated, which shall use the 10812
contributions towards its mission of empowering Ohio communities 10813
to take greater responsibility for improving the local 10814
environment through litter prevention, beautification, community 10815

greening, waste reduction, and recycling. 10816

The registrar shall pay the contributions the registrar 10817
receives pursuant to section 4503.579 of the Revised Code to the 10818
national council of negro women, incorporated, which shall use 10819
the contributions for educational purposes. 10820

The registrar shall pay the contributions the registrar 10821
receives pursuant to section 4503.581 of the Revised Code to the 10822
Ohio past detachment commander's club, inc., which shall use the 10823
contributions to support the activities of the organization. 10824

The registrar shall pay the contributions the registrar 10825
receives pursuant to section 4503.582 of the Revised Code to the 10826
progressive animal welfare society adoption center, inc., which 10827
shall use the contributions to support the activities of the 10828
center. 10829

The registrar shall pay the contributions the registrar 10830
receives pursuant to section 4503.583 of the Revised Code to the 10831
American legion, department of Ohio, inc., which shall use the 10832
contributions to support the activities of the organization. 10833

The registrar shall pay the contributions the registrar 10834
receives pursuant to section 4503.584 of the Revised Code to the 10835
Ohio natural energy institute to fund scholarships for students 10836
pursuing careers in the oil and natural gas industry. 10837

The registrar shall pay to a sports commission created 10838
pursuant to section 4503.591 of the Revised Code each 10839
contribution the registrar receives under that section that an 10840
applicant pays to obtain license plates that bear the logo of a 10841
professional sports team located in the county of that sports 10842
commission and that is participating in the license plate 10843
program pursuant to division (E) of that section, irrespective 10844

of the county of residence of an applicant. 10845

The registrar shall pay to a community charity each 10846
contribution the registrar receives under section 4503.591 of 10847
the Revised Code that an applicant pays to obtain license plates 10848
that bear the logo of a professional sports team that is 10849
participating in the license plate program pursuant to division 10850
(G) of that section. 10851

The registrar shall pay the contributions the registrar 10852
receives pursuant to section 4503.592 of the Revised Code to 10853
pollinator partnership's monarch wings across Ohio program, 10854
which shall use the contributions for the protection and 10855
preservation of the monarch butterfly and pollinator corridor in 10856
Ohio and for educational programs. 10857

The registrar shall pay the contributions the registrar 10858
receives pursuant to section 4503.594 of the Revised Code to 10859
pelotonia, which shall use the contributions for the purpose of 10860
supporting cancer research. 10861

The registrar shall pay the contributions the registrar 10862
receives pursuant to section 4503.595 of the Revised Code to the 10863
Stan Hywet hall and gardens. 10864

The registrar shall pay the contributions the registrar 10865
receives pursuant to section 4503.596 of the Revised Code to the 10866
Cuyahoga valley scenic railroad. 10867

The registrar shall pay the contributions the registrar 10868
receives pursuant to section 4503.597 of the Revised Code to the 10869
Circleville pumpkin show, incorporated, which shall use the 10870
contributions to promote good will surrounding the Circleville 10871
pumpkin show as a nonprofit annual event. 10872

The registrar shall pay the contributions the registrar 10873

receives pursuant to section 4503.67 of the Revised Code to the 10874
Dan Beard council of the boy scouts of America. The council 10875
shall distribute all contributions in an equitable manner 10876
throughout the state to regional councils of the boy scouts. 10877

The registrar shall pay the contributions the registrar 10878
receives pursuant to section 4503.68 of the Revised Code to the 10879
girl scouts of Ohio's heartland. The girl scouts of Ohio's 10880
heartland shall distribute all contributions in an equitable 10881
manner throughout the state to regional councils of the girl 10882
scouts. 10883

The registrar shall pay the contributions the registrar 10884
receives pursuant to section 4503.69 of the Revised Code to the 10885
Dan Beard council of the boy scouts of America. The council 10886
shall distribute all contributions in an equitable manner 10887
throughout the state to regional councils of the boy scouts. 10888

The registrar shall pay the contributions the registrar 10889
receives pursuant to section 4503.70 of the Revised Code to the 10890
charitable foundation of the grand lodge of Ohio, f. & a. m., 10891
which shall use the contributions for scholarship purposes. 10892

The registrar shall pay the contributions the registrar 10893
receives pursuant to section 4503.701 of the Revised Code to the 10894
Prince Hall grand lodge of free and accepted masons of Ohio, 10895
which shall use the contributions for scholarship purposes. 10896

The registrar shall pay the contributions the registrar 10897
receives pursuant to section 4503.702 of the Revised Code to the 10898
Ohio Association of the Improved Benevolent and Protective Order 10899
of the Elks of the World, which shall use the funds for 10900
charitable purposes. 10901

The registrar shall pay the contributions the registrar 10902

receives pursuant to section 4503.703 of the Revised Code to the 10903
Ohio state moose association. 10904

The registrar shall pay the contributions the registrar 10905
receives pursuant to section 4503.704 of the Revised Code to the 10906
Antioch shrine foundation located in the municipal corporation 10907
of Dayton. 10908

The registrar shall pay the contributions the registrar 10909
receives pursuant to section 4503.71 of the Revised Code to the 10910
fraternal order of police of Ohio, incorporated, which shall 10911
deposit the fees into its general account to be used for 10912
purposes of the fraternal order of police of Ohio, incorporated. 10913

The registrar shall pay the contributions the registrar 10914
receives pursuant to section 4503.711 of the Revised Code to the 10915
fraternal order of police of Ohio, incorporated, which shall 10916
deposit the contributions into an account that it creates to be 10917
used for the purpose of advancing and protecting the law 10918
enforcement profession, promoting improved law enforcement 10919
methods, and teaching respect for law and order. 10920

The registrar shall pay the contributions received 10921
pursuant to section 4503.712 of the Revised Code to Ohio 10922
concerns of police survivors, which shall use those 10923
contributions to provide whatever assistance may be appropriate 10924
to the families of Ohio law enforcement officers who are killed 10925
in the line of duty. 10926

The registrar shall pay the contributions received 10927
pursuant to section 4503.713 of the Revised Code to the greater 10928
Cleveland peace officers memorial society, which shall use those 10929
contributions to honor law enforcement officers who have died in 10930
the line of duty and support its charitable purposes. 10931

The registrar shall pay the contributions received 10932
pursuant to section 4503.714 of the Revised Code to the Ohio 10933
association of chiefs of police. 10934

The registrar shall pay the contributions the registrar 10935
receives, or has received, pursuant to section 4503.715 of the 10936
Revised Code to the community foundation of Ohio's electric 10937
cooperatives, which shall use the contributions to recognize and 10938
memorialize fallen or injured lineworkers and support their 10939
families. 10940

The registrar shall pay the contributions the registrar 10941
receives pursuant to section 4503.716 of the Revised Code to the 10942
fallen timbers battlefield preservation commission, which shall 10943
use the contributions to further the mission of the commission. 10944

The registrar shall pay the contributions the registrar 10945
receives pursuant to section 4503.72 of the Revised Code to the 10946
organization known on March 31, 2003, as the Ohio CASA/GAL 10947
association, a private, nonprofit corporation organized under 10948
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 10949
shall use these contributions to pay the expenses it incurs in 10950
administering a program to secure the proper representation in 10951
the courts of this state of ~~abused, neglected, and dependent~~ 10952
children in need of protective services, and for the training 10953
and supervision of persons participating in that program. 10954

The registrar shall pay the contributions the registrar 10955
receives pursuant to section 4503.722 of the Revised Code to the 10956
Down Syndrome Association of Central Ohio, which shall use the 10957
contributions for advocacy purposes throughout the state. 10958

The registrar shall pay the contributions the registrar 10959
receives pursuant to section 4503.724 of the Revised Code to the 10960

Ohio Chapter of the American Foundation for Suicide Prevention, 10961
which shall use the contributions for programs, education, and 10962
advocacy purposes throughout the state. 10963

The registrar shall pay the contributions the registrar 10964
receives pursuant to section 4503.725 of the Revised Code to the 10965
ALS association central & southern Ohio chapter, which shall 10966
split the contributions between that chapter and the ALS 10967
association northern Ohio chapter in accordance with any 10968
agreement between the two associations. The contributions shall 10969
be used to discover treatments and a cure for ALS, and to serve, 10970
advocate for, and empower people affected by ALS to live their 10971
lives to the fullest. 10972

The registrar shall pay the contributions the registrar 10973
receives pursuant to section 4503.73 of the Revised Code to 10974
Wright B. Flyer, incorporated, which shall deposit the 10975
contributions into its general account to be used for purposes 10976
of Wright B. Flyer, incorporated. 10977

The registrar shall pay the contributions the registrar 10978
receives pursuant to section 4503.732 of the Revised Code to the 10979
Siegel Shuster society, a nonprofit organization dedicated to 10980
commemorating and celebrating the creation of Superman in 10981
Cleveland, Ohio. 10982

The registrar shall pay the contributions the registrar 10983
receives pursuant to section 4503.733 of the Revised Code to the 10984
central Ohio chapter of the juvenile diabetes research 10985
foundation, which shall distribute the contributions to the 10986
chapters of the juvenile diabetes research foundation in whose 10987
geographic territory the person who paid the contribution 10988
resides. 10989

The registrar shall pay the contributions the registrar receives pursuant to section 4503.734 of the Revised Code to the Ohio highway patrol auxiliary foundation, which shall use the contributions to fulfill the foundation's mission of supporting law enforcement education and assistance.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.74 of the Revised Code to the Columbus zoological park association, which shall disburse the moneys to Ohio's major metropolitan zoos, as defined in section 4503.74 of the Revised Code, in accordance with a written agreement entered into by the major metropolitan zoos.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.741 of the Revised Code to the Ohio house rabbit rescue, which shall use the contributions for its rescue, adoption, and educational programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.75 of the Revised Code to the rotary foundation, located on March 31, 2003, in Evanston, Illinois, to be placed in a fund known as the permanent fund and used to endow educational and humanitarian programs of the rotary foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.751 of the Revised Code to the Ohio association of realtors, which shall deposit the contributions into a property disaster relief fund maintained under the Ohio realtors charitable and education foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.752 of the Revised Code to buckeye corvettes, incorporated, which shall use the

contributions to pay for its charitable activities and programs. 11019

The registrar shall pay the contributions the registrar 11020
receives pursuant to section 4503.754 of the Revised Code to the 11021
municipal corporation of Twinsburg. 11022

The registrar shall pay the contributions the registrar 11023
receives pursuant to section 4503.755 of the Revised Code to the 11024
little brown jug society to assist the society in maintaining, 11025
promulgating, and operating the little brown jug as part of 11026
Ohio's rich harness racing history. 11027

The registrar shall pay the contributions the registrar 11028
receives pursuant to section 4503.763 of the Revised Code to the 11029
Ohio history connection to be used solely to build, support, and 11030
maintain the Ohio battleflag collection within the Ohio history 11031
connection. 11032

The registrar shall pay the contributions the registrar 11033
receives pursuant to section 4503.764 of the Revised Code to the 11034
Medina county historical society, which shall use those 11035
contributions to distribute between the various historical 11036
societies and museums in Medina county. 11037

The registrar shall pay the contributions the registrar 11038
receives pursuant to section 4503.765 of the Revised Code to the 11039
Amaranth grand chapter foundation, which shall use the 11040
contributions for communal outreach, charitable service, and 11041
scholarship purposes. 11042

The registrar shall pay the contributions the registrar 11043
receives pursuant to section 4503.767 of the Revised Code to 11044
folds of honor of central Ohio, which shall use the 11045
contributions to provide scholarships to spouses and children 11046
either of disabled veterans or of members of any branch of the 11047

armed forces who died during their service. 11048

The registrar shall pay the contributions the registrar 11049
receives pursuant to section 4503.85 of the Revised Code to the 11050
Ohio sea grant college program to be used for Lake Erie area 11051
research projects. 11052

The registrar shall pay the contributions the registrar 11053
receives pursuant to section 4503.86 of the Revised Code to the 11054
Ohio Lincoln highway historic byway, which shall use those 11055
contributions solely to promote and support the historical 11056
preservation and advertisement of the Lincoln highway in this 11057
state. 11058

The registrar shall pay the contributions the registrar 11059
receives pursuant to section 4503.87 of the Revised Code to the 11060
Grove City little league dream field fund, which shall use those 11061
contributions solely to build, maintain, and improve youth 11062
baseball fields within the municipal corporation of Grove City. 11063

The registrar shall pay the contributions the registrar 11064
receives pursuant to section 4503.871 of the Revised Code to the 11065
Solon city school district. The school district shall use the 11066
contributions it receives to pay the expenses it incurs in 11067
providing services to the school district's students that assist 11068
in developing or maintaining the mental and emotional well-being 11069
of the students. The services provided may include bereavement 11070
counseling, instruction in defensive driving techniques, 11071
sensitivity training, and the counseling and education of 11072
students regarding bullying, dating violence, drug abuse, 11073
suicide prevention, and human trafficking. The school district 11074
superintendent or, in the school district superintendent's 11075
discretion, the appropriate school principal or appropriate 11076
school counselors shall determine any charitable organizations 11077

that the school district hires to provide those services. The 11078
school district also may use the contributions it receives to 11079
pay for members of the faculty of the school district to receive 11080
training in providing such services to the students of the 11081
school district. The school district shall ensure that any 11082
charitable organization that is hired by the district is exempt 11083
from federal income taxation under subsection 501(c)(3) of the 11084
Internal Revenue Code. The school district shall not use the 11085
contributions it receives for any other purpose. 11086

The registrar shall pay the contributions the registrar 11087
receives pursuant to section 4503.872 of the Revised Code to the 11088
Canton city school district. The district may use the 11089
contributions for student welfare, but shall not use the 11090
contributions for any political purpose or to pay salaries of 11091
district employees. 11092

The registrar shall pay the contributions the registrar 11093
receives pursuant to section 4503.873 of the Revised Code to 11094
Padua Franciscan high school located in the municipal 11095
corporation of Parma. The school shall use fifty per cent of the 11096
contributions it receives to provide tuition assistance to its 11097
students. The school shall use the remaining fifty per cent to 11098
pay the expenses it incurs in providing services to the school's 11099
students that assist in developing or maintaining the mental and 11100
emotional well-being of the students. The services provided may 11101
include bereavement counseling, instruction in defensive driving 11102
techniques, sensitivity training, and the counseling and 11103
education of students regarding bullying, dating violence, drug 11104
abuse, suicide prevention, and human trafficking. As a part of 11105
providing such services, the school may pay for members of the 11106
faculty of the school to receive training in providing those 11107
services. The school principal or, in the school principal's 11108

discretion, appropriate school counselors shall determine any 11109
charitable organizations that the school hires to provide those 11110
services. The school shall ensure that any such charitable 11111
organization is exempt from federal income taxation under 11112
subsection 501(c)(3) of the Internal Revenue Code. The school 11113
shall not use the contributions it receives for any other 11114
purpose. 11115

The registrar shall pay the contributions the registrar 11116
receives pursuant to section 4503.874 of the Revised Code to St. 11117
Edward high school located in the municipal corporation of 11118
Lakewood. The school shall use fifty per cent of the 11119
contributions it receives to provide tuition assistance to its 11120
students. The school shall use the remaining fifty per cent to 11121
pay the expenses it incurs in providing services to the school's 11122
students that assist in developing or maintaining the mental and 11123
emotional well-being of the students. The services provided may 11124
include bereavement counseling, instruction in defensive driving 11125
techniques, sensitivity training, and the counseling and 11126
education of students regarding bullying, dating violence, drug 11127
abuse, suicide prevention, and human trafficking. As a part of 11128
providing such services, the school may pay for members of the 11129
faculty of the school to receive training in providing those 11130
services. The school principal or, in the school principal's 11131
discretion, appropriate school counselors shall determine any 11132
charitable organizations that the school hires to provide those 11133
services. The school shall ensure that any such charitable 11134
organization is exempt from federal income taxation under 11135
subsection 501(c)(3) of the Internal Revenue Code. The school 11136
shall not use the contributions it receives for any other 11137
purpose. 11138

The registrar shall pay the contributions the registrar 11139

receives pursuant to section 4503.875 of the Revised Code to 11140
Walsh Jesuit high school located in the municipal corporation of 11141
Cuyahoga Falls. The school shall use fifty per cent of the 11142
contributions it receives to provide tuition assistance to its 11143
students. The school shall use the remaining fifty per cent to 11144
pay the expenses it incurs in providing services to the school's 11145
students that assist in developing or maintaining the mental and 11146
emotional well-being of the students. The services provided may 11147
include bereavement counseling, instruction in defensive driving 11148
techniques, sensitivity training, and the counseling and 11149
education of students regarding bullying, dating violence, drug 11150
abuse, suicide prevention, and human trafficking. As a part of 11151
providing such services, the school may pay for members of the 11152
faculty of the school to receive training in providing those 11153
services. The school principal or, in the school principal's 11154
discretion, appropriate school counselors shall determine any 11155
charitable organizations that the school hires to provide those 11156
services. The school shall ensure that any such charitable 11157
organization is exempt from federal income taxation under 11158
subsection 501(c)(3) of the Internal Revenue Code. The school 11159
shall not use the contributions it receives for any other 11160
purpose. 11161

The registrar shall pay the contributions the registrar 11162
receives pursuant to section 4503.876 of the Revised Code to the 11163
North Royalton city school district. The school district shall 11164
use the contributions it receives to pay the expenses it incurs 11165
in providing services to the school district's students that 11166
assist in developing or maintaining the mental and emotional 11167
well-being of the students. The services provided may include 11168
bereavement counseling, instruction in defensive driving 11169
techniques, sensitivity training, and the counseling and 11170

education of students regarding bullying, dating violence, drug 11171
abuse, suicide prevention, and human trafficking. The school 11172
district superintendent or, in the school district 11173
superintendent's discretion, the appropriate school principal or 11174
appropriate school counselors shall determine any charitable 11175
organizations that the school district hires to provide those 11176
services. The school district also may use the contributions it 11177
receives to pay for members of the faculty of the school 11178
district to receive training in providing such services to the 11179
students of the school district. The school district shall 11180
ensure that any charitable organization that is hired by the 11181
district is exempt from federal income taxation under subsection 11182
501(c)(3) of the Internal Revenue Code. The school district 11183
shall not use the contributions it receives for any other 11184
purpose. 11185

The registrar shall pay the contributions the registrar 11186
receives pursuant to section 4503.877 of the Revised Code to the 11187
Independence local school district. The school district shall 11188
use the contributions it receives to pay the expenses it incurs 11189
in providing services to the school district's students that 11190
assist in developing or maintaining the mental and emotional 11191
well-being of the students. The services provided may include 11192
bereavement counseling, instruction in defensive driving 11193
techniques, sensitivity training, and the counseling and 11194
education of students regarding bullying, dating violence, drug 11195
abuse, suicide prevention, and human trafficking. The school 11196
district superintendent or, in the school district 11197
superintendent's discretion, the appropriate school principal or 11198
appropriate school counselors shall determine any charitable 11199
organizations that the school district hires to provide those 11200
services. The school district also may use the contributions it 11201

receives to pay for members of the faculty of the school 11202
district to receive training in providing such services to the 11203
students of the school district. The school district shall 11204
ensure that any charitable organization that is hired by the 11205
district is exempt from federal income taxation under subsection 11206
501(c)(3) of the Internal Revenue Code. The school district 11207
shall not use the contributions it receives for any other 11208
purpose. 11209

The registrar shall pay the contributions the registrar 11210
receives pursuant to section 4503.878 of the Revised Code to the 11211
Cuyahoga Heights local school district. The school district 11212
shall use the contributions it receives to pay the expenses it 11213
incurs in providing services to the school district's students 11214
that assist in developing or maintaining the mental and 11215
emotional well-being of the students. The services provided may 11216
include bereavement counseling, instruction in defensive driving 11217
techniques, sensitivity training, and the counseling and 11218
education of students regarding bullying, dating violence, drug 11219
abuse, suicide prevention, and human trafficking. The school 11220
district superintendent or, in the school district 11221
superintendent's discretion, the appropriate school principal or 11222
appropriate school counselors, shall determine any charitable 11223
organizations that the school district hires to provide those 11224
services. The school district also may use the contributions it 11225
receives to pay for members of the faculty of the school 11226
district to receive training in providing such services to the 11227
students of the school district. The school district shall 11228
ensure that any charitable organization that is hired by the 11229
district is exempt from federal income taxation under subsection 11230
501(c)(3) of the Internal Revenue Code. The school district 11231
shall not use the contributions it receives for any other 11232

purpose. 11233

The registrar shall pay the contributions the registrar 11234
receives pursuant to section 4503.879 of the Revised Code to the 11235
west technical high school alumni association, which shall use 11236
the contributions for activities sponsored by the association. 11237

The registrar shall pay the contributions the registrar 11238
receives pursuant to section 4503.88 of the Revised Code to the 11239
Kenston local school district. The school district shall use the 11240
contributions it receives to pay the expenses it incurs in 11241
providing services that assist in developing or maintaining a 11242
culture of environmental responsibility and an innovative 11243
science, technology, engineering, art, and math (S.T.E.A.M.) 11244
curriculum to the school district's students. The school 11245
district shall not use the contributions it receives for any 11246
other purpose. 11247

The registrar shall pay the contributions the registrar 11248
receives pursuant to section 4503.881 of the Revised Code to La 11249
Salle high school in the municipal corporation of Cincinnati. 11250
The high school shall not use the contributions it receives for 11251
any political purpose. 11252

The registrar shall pay the contributions the registrar 11253
receives pursuant to section 4503.882 of the Revised Code to St. 11254
John's Jesuit high school and academy located in the municipal 11255
corporation of Toledo. The school shall use the contributions it 11256
receives to provide tuition assistance for students attending 11257
the school. 11258

The registrar shall pay the contributions the registrar 11259
receives pursuant to section 4503.883 of the Revised Code to St. 11260
Charles preparatory school located in the municipal corporation 11261

of Columbus, which shall use the contributions for the school's 11262
alumni association and the alumni association's purposes. 11263

The registrar shall pay the contributions the registrar 11264
receives pursuant to section 4503.884 of the Revised Code to 11265
Archbishop Moeller high school located in the municipal 11266
corporation of Cincinnati. The high school shall not use the 11267
contributions it receives for any political purpose. 11268

The registrar shall pay the contributions the registrar 11269
receives pursuant to section 4503.885 of the Revised Code to the 11270
Revere schools foundation. The foundation shall use the 11271
contributions to promote its mission, including awarding 11272
scholarships to honor young people who are meaningfully engaged 11273
in their school or community. The foundation shall not use the 11274
contributions for any political purpose. 11275

The registrar shall pay the contributions the registrar 11276
receives pursuant to section 4503.886 of the Revised Code to 11277
Stephen T. Badin high school in the municipal corporation of 11278
Hamilton. 11279

The registrar shall pay the contributions the registrar 11280
receives pursuant to section 4503.887 of the Revised Code to 11281
Bishop Hartley high school located in the municipal corporation 11282
of Columbus, which shall use the contributions for the school's 11283
alumni association and the alumni association's purposes. 11284

The registrar shall pay the contributions the registrar 11285
receives pursuant to section 4503.89 of the Revised Code to the 11286
American red cross of greater Columbus on behalf of the Ohio 11287
chapters of the American red cross, which shall use the 11288
contributions for disaster readiness, preparedness, and response 11289
programs on a statewide basis. 11290

The registrar shall pay the contributions the registrar receives pursuant to section 4503.891 of the Revised Code to the Ohio lions foundation. The foundation shall use the contributions for charitable and educational purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.892 of the Revised Code to the Hudson city school district. The school district shall not use the contributions it receives for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.893 of the Revised Code to the Harrison Central jr./sr. high school located in the municipal corporation of Cadiz.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.899 of the Revised Code to the Cleveland clinic foundation, which shall use the contributions to support Cleveland clinic children's education, research, and patient services.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.90 of the Revised Code to the nationwide children's hospital foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.901 of the Revised Code to the Ohio association for pupil transportation, which shall use the money to support transportation programs, provide training to school transportation professionals, and support other initiatives for school transportation safety.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.902 of the Revised Code to St. Ignatius high school located in the municipal corporation of

Cleveland. The school shall use fifty per cent of the 11320
contributions it receives to provide tuition assistance to its 11321
students. The school shall use the remaining fifty per cent to 11322
pay the expenses it incurs in providing services to the school's 11323
students that assist in developing or maintaining the mental and 11324
emotional well-being of the students. The services provided may 11325
include bereavement counseling, instruction in defensive driving 11326
techniques, sensitivity training, and the counseling and 11327
education of students regarding bullying, dating violence, drug 11328
abuse, suicide prevention, and human trafficking. As a part of 11329
providing such services, the school may pay for members of the 11330
faculty of the school to receive training in providing those 11331
services. The school principal or, in the school principal's 11332
discretion, appropriate school counselors shall determine any 11333
charitable organizations that the school hires to provide those 11334
services. The school shall ensure that any such charitable 11335
organization is exempt from federal income taxation under 11336
subsection 501(c)(3) of the Internal Revenue Code. The school 11337
shall not use the contributions it receives for any other 11338
purpose. 11339

The registrar shall pay the contributions the registrar 11340
receives pursuant to section 4503.903 of the Revised Code to the 11341
Brecksville-Broadview Heights city school district. The school 11342
district shall use the contributions it receives to pay the 11343
expenses it incurs in providing services to the school 11344
district's students that assist in developing or maintaining the 11345
mental and emotional well-being of the students. The services 11346
provided may include bereavement counseling, instruction in 11347
defensive driving techniques, sensitivity training, and the 11348
counseling and education of students regarding bullying, dating 11349
violence, drug abuse, suicide prevention, and human trafficking. 11350

The school district superintendent or, in the school district superintendent's discretion, the appropriate school principal or appropriate school counselors shall determine any charitable organizations that the school district hires to provide those services. The school district also may use the contributions it receives to pay for members of the faculty of the school district to receive training in providing such services to the students of the school district. The school district shall ensure that any charitable organization that is hired by the district is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.904 of the Revised Code to the Chagrin Falls exempted village school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services to the school district's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. The school district superintendent or, in the school district superintendent's discretion, the appropriate school principal or appropriate school counselors shall determine any charitable organizations that the school district hires to provide those services. The school district also may use the contributions it receives to pay for members of the faculty of the school district to receive training in providing such services to the

students of the school district. The school district shall 11382
ensure that any charitable organization that is hired by the 11383
district is exempt from federal income taxation under subsection 11384
501(c) (3) of the Internal Revenue Code. The school district 11385
shall not use the contributions it receives for any other 11386
purpose. 11387

The registrar shall pay the contributions the registrar 11388
receives pursuant to section 4503.905 of the Revised Code to the 11389
Cuyahoga valley career center. The career center shall use the 11390
contributions it receives to pay the expenses it incurs in 11391
providing services to the career center's students that assist 11392
in developing or maintaining the mental and emotional well-being 11393
of the students. The services provided may include bereavement 11394
counseling, instruction in defensive driving techniques, 11395
sensitivity training, and the counseling and education of 11396
students regarding bullying, dating violence, drug abuse, 11397
suicide prevention, and human trafficking. The career center's 11398
superintendent or in the career center's superintendent's 11399
discretion, the school board or appropriate school counselors 11400
shall determine any charitable organizations that the career 11401
center hires to provide those services. The career center also 11402
may use the contributions it receives to pay for members of the 11403
faculty of the career center to receive training in providing 11404
such services to the students of the career center. The career 11405
center shall ensure that any charitable organization that is 11406
hired by the career center is exempt from federal income 11407
taxation under subsection 501(c) (3) of the Internal Revenue 11408
Code. The career center shall not use the contributions it 11409
receives for any other purpose. 11410

The registrar shall pay the contributions the registrar 11411
receives pursuant to section 4503.906 of the Revised Code to the 11412

Stow-Munroe Falls city school district. The school district 11413
shall not use the contributions it receives for any political 11414
purpose. 11415

The registrar shall pay the contributions the registrar 11416
receives pursuant to section 4503.907 of the Revised Code to the 11417
Twinsburg city school district. The school district shall not 11418
use the contributions it receives for any political purpose. 11419

The registrar shall pay the contributions the registrar 11420
receives pursuant to section 4503.908 of the Revised Code to St. 11421
Xavier high school located in Springfield township in Hamilton 11422
county. The school shall use fifty per cent of the contributions 11423
it receives to provide tuition assistance to its students. The 11424
school shall use the remaining fifty per cent to pay the 11425
expenses it incurs in providing services to the school's 11426
students that assist in developing or maintaining the mental and 11427
emotional well-being of the students. The services provided may 11428
include bereavement counseling, instruction in defensive driving 11429
techniques, sensitivity training, and the counseling and 11430
education of students regarding bullying, dating violence, drug 11431
abuse, suicide prevention, and human trafficking. As a part of 11432
providing such services, the school may pay for members of the 11433
faculty of the school to receive training in providing those 11434
services. The school principal or, in the school principal's 11435
discretion, appropriate school counselors shall determine any 11436
charitable organizations that the school hires to provide those 11437
services. The school shall ensure that any such charitable 11438
organization is exempt from federal income taxation under 11439
subsection 501(c)(3) of the Internal Revenue Code. The school 11440
shall not use the contributions it receives for any other 11441
purpose. 11442

The registrar shall pay the contributions the registrar receives pursuant to section 4503.909 of the Revised Code to the Grandview Heights city school district, which shall use the contributions for its gifted programs and special education and related services.

The registrar shall pay the contributions received pursuant to section 4503.92 of the Revised Code to support our troops, incorporated, a national nonprofit corporation, which shall use those contributions in accordance with its articles of incorporation and for the benefit of servicemembers of the armed forces of the United States and their families when they are in financial need.

The registrar shall pay the contributions received pursuant to section 4503.931 of the Revised Code to healthy New Albany, which shall use the contributions for its community programs, events, and other activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.932 of the Revised Code to habitat for humanity of Ohio, inc., which shall use the contributions for its projects related to building affordable houses.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.933 of the Revised Code to Ohio citizens for the arts foundation, which shall use the contributions for advocacy, education, and professional development programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.94 of the Revised Code to the Michelle's leading star foundation, which shall use the money

solely to fund the rental, lease, or purchase of the simulated 11472
driving curriculum of the Michelle's leading star foundation by 11473
boards of education of city, exempted village, local, and joint 11474
vocational school districts. 11475

The registrar shall pay the contributions the registrar 11476
receives pursuant to section 4503.941 of the Revised Code to the 11477
Ohio chapter international society of arboriculture, which shall 11478
use the money to increase consumer awareness on the importance 11479
of proper tree care and to raise funds for the chapter's 11480
educational efforts. 11481

The registrar shall pay the contributions received 11482
pursuant to section 4503.942 of the Revised Code to zero, the 11483
end of prostate cancer, incorporated, a nonprofit organization, 11484
which shall use those contributions to raise awareness of 11485
prostate cancer, to support research to end prostate cancer, and 11486
to support prostate cancer patients and their families. 11487

The registrar shall pay the contributions the registrar 11488
receives pursuant to section 4503.944 of the Revised Code to the 11489
eastern European congress of Ohio, which shall use the 11490
contributions for charitable and educational purposes. 11491

The registrar shall pay the contributions the registrar 11492
receives pursuant to section 4503.945 of the Revised Code to the 11493
Summit metro parks foundation, which shall use the money in 11494
support of the Summit county metro parks. 11495

The registrar shall pay the contributions the registrar 11496
receives pursuant to section 4503.951 of the Revised Code to the 11497
Cincinnati city school district. 11498

The registrar shall pay the contributions the registrar 11499
receives pursuant to section 4503.952 of the Revised Code to 11500

Hawken school located in northeast Ohio. The school shall use 11501
fifty per cent of the contributions it receives to provide 11502
tuition assistance to its students. The school shall use the 11503
remaining fifty per cent to pay the expenses it incurs in 11504
providing services to the school's students that assist in 11505
developing or maintaining the mental and emotional well-being of 11506
the students. The services provided may include bereavement 11507
counseling, instruction in defensive driving techniques, 11508
sensitivity training, and the counseling and education of 11509
students regarding bullying, dating violence, drug abuse, 11510
suicide prevention, and human trafficking. As a part of 11511
providing such services, the school may pay for members of the 11512
faculty of the school to receive training in providing those 11513
services. The school principal or, in the school principal's 11514
discretion, appropriate school counselors shall determine any 11515
charitable organizations that the school hires to provide those 11516
services. The school shall ensure that any such charitable 11517
organization is exempt from federal income taxation under 11518
subsection 501(c)(3) of the Internal Revenue Code. The school 11519
shall not use the contributions it receives for any other 11520
purpose. 11521

The registrar shall pay the contributions the registrar 11522
receives pursuant to section 4503.953 of the Revised Code to 11523
Gilmour academy located in the municipal corporation of Gates 11524
Mills. The school shall use fifty per cent of the contributions 11525
it receives to provide tuition assistance to its students. The 11526
school shall use the remaining fifty per cent to pay the 11527
expenses it incurs in providing services to the school's 11528
students that assist in developing or maintaining the mental and 11529
emotional well-being of the students. The services provided may 11530
include bereavement counseling, instruction in defensive driving 11531

techniques, sensitivity training, and the counseling and 11532
education of students regarding bullying, dating violence, drug 11533
abuse, suicide prevention, and human trafficking. As a part of 11534
providing such services, the school may pay for members of the 11535
faculty of the school to receive training in providing those 11536
services. The school principal or, in the school principal's 11537
discretion, appropriate school counselors shall determine any 11538
charitable organizations that the school hires to provide those 11539
services. The school shall ensure that any such charitable 11540
organization is exempt from federal income taxation under 11541
subsection 501(c)(3) of the Internal Revenue Code. The school 11542
shall not use the contributions it receives for any other 11543
purpose. 11544

The registrar shall pay the contributions the registrar 11545
receives pursuant to section 4503.954 of the Revised Code to 11546
University school located in the suburban area near the 11547
municipal corporation of Cleveland. The school shall use fifty 11548
per cent of the contributions it receives to provide tuition 11549
assistance to its students. The school shall use the remaining 11550
fifty per cent to pay the expenses it incurs in providing 11551
services to the school's students that assist in developing or 11552
maintaining the mental and emotional well-being of the students. 11553
The services provided may include bereavement counseling, 11554
instruction in defensive driving techniques, sensitivity 11555
training, and the counseling and education of students regarding 11556
bullying, dating violence, drug abuse, suicide prevention, and 11557
human trafficking. As a part of providing such services, the 11558
school may pay for members of the faculty of the school to 11559
receive training in providing those services. The school 11560
principal or, in the school principal's discretion, appropriate 11561
school counselors shall determine any charitable organizations 11562

that the school hires to provide those services. The school 11563
shall ensure that any such charitable organization is exempt 11564
from federal income taxation under subsection 501(c)(3) of the 11565
Internal Revenue Code. The school shall not use the 11566
contributions it receives for any other purpose. 11567

The registrar shall pay the contributions the registrar 11568
receives pursuant to section 4503.955 of the Revised Code to 11569
Saint Albert the Great school located in North Royalton. The 11570
school shall use fifty per cent of the contributions it receives 11571
to provide tuition assistance to its students. The school shall 11572
use the remaining fifty per cent to pay the expenses it incurs 11573
in providing services to the school's students that assist in 11574
developing or maintaining the mental and emotional well-being of 11575
the students. The services provided may include bereavement 11576
counseling, instruction in defensive driving techniques, 11577
sensitivity training, and the counseling and education of 11578
students regarding bullying, dating violence, drug abuse, 11579
suicide prevention, and human trafficking. As a part of 11580
providing such services, the school may pay for members of the 11581
faculty of the school to receive training in providing those 11582
services. The school principal or, in the school principal's 11583
discretion, appropriate school counselors shall determine any 11584
charitable organizations that the school hires to provide those 11585
services. The school shall ensure that any such charitable 11586
organization is exempt from federal income taxation under 11587
subsection 501(c)(3) of the Internal Revenue Code. The school 11588
shall not use the contributions it receives for any other 11589
purpose. 11590

The registrar shall pay the contributions the registrar 11591
receives pursuant to section 4503.956 of the Revised Code to the 11592
Liberty Center local school district, which shall use the 11593

contributions for its gifted programs and special education and 11594
related services. 11595

The registrar shall pay the contributions the registrar 11596
receives pursuant to section 4503.957 of the Revised Code to 11597
John F. Kennedy Catholic school located in Warren. The school 11598
shall not use the contributions it receives for any political 11599
purpose. 11600

The registrar shall pay the contributions the registrar 11601
receives pursuant to section 4503.958 of the Revised Code to 11602
Elder high school located in the municipal corporation of 11603
Cincinnati. The school shall use fifty per cent of the 11604
contributions it receives to provide tuition assistance to its 11605
students, twenty-five per cent of the contributions to benefit 11606
arts and enrichment at the school, and twenty-five per cent of 11607
the contributions to benefit athletics at the school. 11608

The registrar shall pay the contributions the registrar 11609
receives pursuant to section 4503.961 of the Revised Code to 11610
Fairfield senior high school located in the municipal 11611
corporation of Fairfield. The high school shall not use the 11612
contributions for any political purpose. 11613

The registrar shall pay the contributions the registrar 11614
receives pursuant to section 4503.962 of the Revised Code to 11615
Hamilton high school located in the municipal corporation of 11616
Hamilton. The high school shall not use the contributions for 11617
any political purpose. 11618

The registrar shall pay the contributions the registrar 11619
receives pursuant to section 4503.963 of the Revised Code to 11620
Ross high school located in Ross township in Butler county. The 11621
high school shall not use the contributions for any political 11622

purpose. 11623

The registrar shall pay the contributions the registrar 11624
receives pursuant to section 4503.964 of the Revised Code to 11625
Chardon hilltopper gridiron club. The club shall use 11626
contributions to fund college and career technical training 11627
scholarships for students. 11628

The registrar shall pay the contributions the registrar 11629
receives pursuant to section 4503.97 of the Revised Code to the 11630
friends of united Hatzalah of Israel, which shall use the money 11631
to support united Hatzalah of Israel, which provides free 11632
emergency medical first response throughout Israel. 11633

The registrar shall pay the contributions the registrar 11634
receives pursuant to section 4503.98 of the Revised Code to the 11635
Westerville parks foundation to support the programs and 11636
activities of the foundation and its mission of pursuing the 11637
city of Westerville's vision of becoming "A City Within A Park." 11638

(C) All investment earnings of the license plate 11639
contribution fund shall be credited to the fund. Not later than 11640
the first day of May of every year, the registrar shall 11641
distribute to each entity described in division (B) of this 11642
section the investment income the fund earned the previous 11643
calendar year. The amount of such a distribution paid to an 11644
entity shall be proportionate to the amount of money the entity 11645
received from the fund during the previous calendar year. 11646

Sec. 5103.04. No association whose object embraces the 11647
care of ~~dependent, neglected, abused,~~ children in need of 11648
protective services or delinquent children, or the placing of 11649
such children in private homes, shall be incorporated unless the 11650
proposed articles of incorporation have been submitted first to 11651

the department of job and family services. The secretary of 11652
state shall not issue a certificate of incorporation to such 11653
association ~~untill~~until there is filed in the secretary of 11654
state's office the certificate of the department that it has 11655
examined the articles of incorporation, that in its judgment the 11656
incorporators are reputable and respectable persons, the 11657
proposed work is needed, and the incorporation of such 11658
association is desirable and for the public good. 11659

Amendments proposed to the articles of incorporation of 11660
any such association shall be submitted in like manner to the 11661
department, and the secretary of state shall not record such 11662
amendment or issue a certificate therefor until there is filed 11663
in the secretary of state's office the certificate of the 11664
department that it has examined such amendment, that the 11665
association in question is performing in good faith the work 11666
undertaken by it, and that such amendment is a proper one, and 11667
for the public good. 11668

Sec. 5107.10. (A) As used in this section: 11669

(1) "Countable income," "gross earned income," and "gross 11670
unearned income" have the meanings established in rules adopted 11671
under section 5107.05 of the Revised Code. 11672

(2) "Federal poverty guidelines" has the same meaning as 11673
in section 5101.46 of the Revised Code, except that references 11674
to a person's family in the definition shall be deemed to be 11675
references to the person's assistance group. 11676

(3) "Gross income" means gross earned income and gross 11677
unearned income. 11678

(4) "Strike" means continuous concerted action in failing 11679
to report to duty; willful absence from one's position; or 11680

stoppage of work in whole from the full, faithful, and proper 11681
performance of the duties of employment, for the purpose of 11682
inducing, influencing, or coercing a change in wages, hours, 11683
terms, and other conditions of employment. "Strike" does not 11684
include a stoppage of work by employees in good faith because of 11685
dangerous or unhealthful working conditions at the place of 11686
employment that are abnormal to the place of employment. 11687

(B) Under the Ohio works first program, an assistance 11688
group shall receive, except as otherwise provided by this 11689
chapter, time-limited cash assistance. In the case of an 11690
assistance group that includes a minor head of household or 11691
adult, assistance shall be provided in accordance with the self- 11692
sufficiency contract entered into under section 5107.14 of the 11693
Revised Code. 11694

(C) (1) To be eligible to participate in Ohio works first, 11695
an assistance group must meet all of the following requirements: 11696

(a) The assistance group, except as provided in division 11697
(E) of this section, must include at least one of the following: 11698

(i) A minor child who, except as provided in section 11699
5107.24 of the Revised Code, resides with a parent, or specified 11700
relative caring for the child, or, to the extent permitted by 11701
Title IV-A and federal regulations adopted until Title IV-A, 11702
resides with a guardian or custodian caring for the child; 11703

(ii) A parent residing with and caring for the parent's 11704
minor child who receives supplemental security income under 11705
Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 11706
U.S.C.A. 1383, as amended, or federal, state, or local adoption 11707
assistance; 11708

(iii) A specified relative residing with and caring for a 11709

minor child who is related to the specified relative in a manner 11710
that makes the specified relative a specified relative and 11711
receives supplemental security income or federal, state, or 11712
local foster care assistance, kinship guardianship assistance, 11713
kinship support program payments, or adoption assistance; 11714

(iv) A pregnant woman. 11715

(b) The assistance group must meet the income requirements 11716
established by division (D) of this section. 11717

(c) No member of the assistance group may be involved in a 11718
strike. 11719

(d) The assistance group must satisfy the requirements for 11720
Ohio works first established by this chapter and section 5101.83 11721
of the Revised Code. 11722

(e) The assistance group must meet requirements for Ohio 11723
works first established by rules adopted under section 5107.05 11724
of the Revised Code. 11725

(2) In addition to meeting the requirements specified in 11726
division (C)(1) of this section, a member of an assistance group 11727
who is required by section 5116.10 of the Revised Code to 11728
participate in the comprehensive case management and employment 11729
program must participate in that program to be eligible to 11730
participate in Ohio works first. 11731

(D)(1) Except as provided in division (D)(4) of this 11732
section, to determine whether an assistance group is initially 11733
eligible to participate in Ohio works first, a county department 11734
of job and family services shall do the following: 11735

(a) Determine whether the assistance group's gross income 11736
exceeds fifty per cent of the federal poverty guidelines. In 11737

making this determination, the county department shall disregard 11738
amounts that federal statutes or regulations and sections 11739
5101.17 and 5117.10 of the Revised Code require be disregarded. 11740
The assistance group is ineligible to participate in Ohio works 11741
first if the assistance group's gross income, less the amounts 11742
disregarded, exceeds fifty per cent of the federal poverty 11743
guidelines. 11744

(b) If the assistance group's gross income, less the 11745
amounts disregarded pursuant to division (D) (1) (a) of this 11746
section, does not exceed fifty per cent of the federal poverty 11747
guidelines, determine whether the assistance group's countable 11748
income is less than the payment standard. The assistance group 11749
is ineligible to participate in Ohio works first if the 11750
assistance group's countable income equals or exceeds the 11751
payment standard. 11752

(2) For the purpose of determining whether an assistance 11753
group meets the income requirement established by division (D) 11754
(1) (a) of this section, the annual revision that the United 11755
States department of health and human services makes to the 11756
federal poverty guidelines shall go into effect on the first day 11757
of July of the year for which the revision is made. 11758

(3) To determine whether an assistance group participating 11759
in Ohio works first continues to be eligible to participate, a 11760
county department of job and family services shall determine 11761
whether the assistance group's countable income continues to be 11762
less than the payment standard. In making this determination, 11763
the county department shall disregard an amount specified in 11764
rules adopted under section 5107.05 of the Revised Code and 11765
fifty per cent of the remainder of the assistance group's gross 11766
earned income. No amounts shall be disregarded from the 11767

assistance group's gross unearned income. The assistance group 11768
ceases to be eligible to participate in Ohio works first if its 11769
countable income, less the amounts disregarded, equals or 11770
exceeds the payment standard. 11771

(4) If an assistance group reapplies to participate in 11772
Ohio works first not more than four months after ceasing to 11773
participate, a county department of job and family services 11774
shall use the income requirement established by division (D) (3) 11775
of this section to determine eligibility for resumed 11776
participation rather than the income requirement established by 11777
division (D) (1) of this section. 11778

(E) (1) An assistance group may continue to participate in 11779
Ohio works first even though a public children services agency 11780
removes the assistance group's minor children from the 11781
assistance group's home due to ~~abuse, neglect, or dependency~~ an 11782
act or situation causing the children to be children in need of 11783
protective services if the agency does both of the following: 11784

(a) Notifies the county department of job and family 11785
services at the time the agency removes the children that it 11786
believes the children will be able to return to the assistance 11787
group within six months; 11788

(b) Informs the county department at the end of each of 11789
the first five months after the agency removes the children that 11790
the parent, guardian, custodian, or specified relative of the 11791
children is cooperating with the case plans prepared for the 11792
children under section 2151.412 of the Revised Code and that the 11793
agency is making reasonable efforts to return the children to 11794
the assistance group. 11795

(2) An assistance group may continue to participate in 11796

Ohio works first pursuant to division (E) (1) of this section for 11797
not more than six payment months. This division does not affect 11798
the eligibility of an assistance group that includes a pregnant 11799
woman. 11800

Sec. 5123.93. Minors with intellectual disabilities shall 11801
remain under the guardianship of their parents or of a guardian 11802
appointed pursuant to Chapter 2111. of the Revised Code, 11803
notwithstanding institutionalization pursuant to any section of 11804
this chapter, unless parental rights have been terminated 11805
pursuant to a court finding that the child is ~~neglected, abused,~~ 11806
~~or dependent~~ a child in need of protective services pursuant to 11807
Chapter 2151. of the Revised Code. If a minor with an 11808
intellectual disability has been found to be ~~dependent, abused,~~ 11809
~~or neglected~~ a child in need of protective services, the public 11810
children services agency to whom permanent custody has been 11811
assigned pursuant to Chapter 2151. of the Revised Code shall 11812
have the same authority and responsibility it would have if the 11813
child were not a person with an intellectual disability and were 11814
not institutionalized. In no case shall the guardianship of a 11815
person with an intellectual disability be assigned to the 11816
managing officer or any other employee of an institution in 11817
which the person is institutionalized, or be assigned, unless 11818
there is a relationship by blood or marriage or unless the 11819
service is a protective service as defined in section 5123.55 of 11820
the Revised Code, to a person or agency who provides services to 11821
the person with an intellectual disability. 11822

Sec. 5153.122. Each PCSA caseworker hired after January 1, 11823
2007, shall complete in-service training during the first year 11824
of the caseworker's continuous employment as a PCSA caseworker, 11825
except that the executive director of the public children 11826
services agency may waive the training requirement for a school 11827

of social work graduate who participated in the university 11828
partnership program described in division (E) of section 11829
5101.141 of the Revised Code and as provided in section 5153.124 11830
of the Revised Code. The training shall consist of courses in 11831
all of the following: 11832

(A) Recognizing, accepting reports of, and preventing acts 11833
or situations causing child abuse, or neglect, and dependency 11834
for a child to be a child in need of protective services; 11835

(B) Assessing child safety; 11836

(C) Assessing risks; 11837

(D) Interviewing persons; 11838

(E) Investigating cases; 11839

(F) Intervening; 11840

(G) Providing services to children and their families; 11841

(H) The importance of and need for accurate data; 11842

(I) Preparation for court; 11843

(J) Maintenance of case record information; 11844

(K) The legal duties of PCSA caseworkers to protect the 11845
constitutional and statutory rights of children and families 11846
from the initial time of contact during investigation through 11847
treatment, including instruction regarding parents' rights and 11848
the limitations that the Fourth Amendment to the United States 11849
Constitution places upon caseworkers and their investigations; 11850

(L) Content on other topics relevant to acts or situations 11851
causing child abuse, or neglect, and dependency for a child to 11852
be a child in need of protective services, including permanency 11853
strategies, concurrent planning, and adoption as an option for 11854

unintended pregnancies. 11855

After a PCSA caseworker's first year of continuous 11856
employment as a PCSA caseworker, the caseworker annually shall 11857
complete thirty-six hours of training in areas relevant to the 11858
caseworker's assigned duties. 11859

During the first two years of continuous employment as a 11860
PCSA caseworker, each PCSA caseworker shall complete training in 11861
recognizing the signs of domestic violence and its relationship 11862
to child abuse as established in rules the director of job and 11863
family services shall adopt pursuant to Chapter 119. of the 11864
Revised Code. 11865

Sec. 5153.123. Each PCSA caseworker supervisor shall 11866
complete in-service training during the first year of the 11867
supervisor's continuous employment as a PCSA caseworker 11868
supervisor. The training shall include courses in screening 11869
reports of child abuse~~7~~or neglect~~7~~ or ~~dependency~~acts or 11870
situations causing a child to be in need of protective services. 11871
After a PCSA caseworker supervisor's first year of continuous 11872
employment as a PCSA caseworker supervisor, the supervisor 11873
annually shall complete thirty hours of training in areas 11874
relevant to the supervisor's assigned duties. During the first 11875
two years of continuous employment as a PCSA caseworker 11876
supervisor, each PCSA caseworker supervisor shall complete 11877
training in recognizing the signs of domestic violence and its 11878
relationship to child abuse as established in rules the director 11879
of job and family services shall adopt pursuant to Chapter 119. 11880
of the Revised Code. 11881

Sec. 5153.16. (A) Except as provided in section 2151.422 11882
of the Revised Code, in accordance with rules adopted under 11883
section 5153.166 of the Revised Code, and on behalf of children 11884

in the county whom the public children services agency considers 11885
to be in need of public care or protective services, the public 11886
children services agency shall do all of the following: 11887

(1) Make an investigation concerning any child alleged to 11888
be ~~an abused, or neglected, or dependent~~ a child in need of 11889
protective services; 11890

(2) Enter into agreements with the parent, guardian, or 11891
other person having legal custody of any child, or with the 11892
department of job and family services, department of mental 11893
health and addiction services, department of developmental 11894
disabilities, other department, any certified organization 11895
within or outside the county, or any agency or institution 11896
outside the state, having legal custody of any child, with 11897
respect to the custody, care, or placement of any child, or with 11898
respect to any matter, in the interests of the child, provided 11899
the permanent custody of a child shall not be transferred by a 11900
parent to the public children services agency without the 11901
consent of the juvenile court; 11902

(3) Enter into a contract with an agency providing 11903
prevention services in an effort to prevent neglect or abuse, to 11904
enhance a child's welfare, and to preserve the family unit 11905
intact. 11906

(4) Accept custody of children committed to the public 11907
children services agency by a court exercising juvenile 11908
jurisdiction; 11909

(5) Provide such care as the public children services 11910
agency considers to be in the best interests of any child 11911
adjudicated to be an ~~abused, or neglected, child~~ or dependent a 11912
child in need of protective services the agency finds to be in 11913

- need of public care or service; 11914
- (6) Provide social services to any unmarried girl 11915
adjudicated to be ~~an~~-abused, or neglected, ~~or dependent~~-a child 11916
in need of protective services who is pregnant with or has been 11917
delivered of a child; 11918
- (7) Make available to the children with medical handicaps 11919
program of the department of health at its request any 11920
information concerning a child with a disability found to be in 11921
need of treatment under sections 3701.021 to 3701.028 of the 11922
Revised Code who is receiving services from the public children 11923
services agency; 11924
- (8) Provide temporary emergency care for any child 11925
considered by the public children services agency to be in need 11926
of such care, without agreement or commitment; 11927
- (9) Find certified foster homes, within or outside the 11928
county, for the care of children, including children with 11929
disabilities from other counties attending special schools in 11930
the county; 11931
- (10) Subject to the approval of the board of county 11932
commissioners and the state department of job and family 11933
services, establish and operate a training school or enter into 11934
an agreement with any municipal corporation or other political 11935
subdivision of the county respecting the operation, acquisition, 11936
or maintenance of any children's home, training school, or other 11937
institution for the care of children maintained by such 11938
municipal corporation or political subdivision; 11939
- (11) Acquire and operate a county children's home, 11940
establish, maintain, and operate a receiving home for the 11941
temporary care of children, or procure certified foster homes 11942

for this purpose; 11943

(12) Enter into an agreement with the trustees of any 11944
district children's home, respecting the operation of the 11945
district children's home in cooperation with the other county 11946
boards in the district; 11947

(13) Cooperate with, make its services available to, and 11948
act as the agent of persons, courts, the department of job and 11949
family services, the department of health, and other 11950
organizations within and outside the state, in matters relating 11951
to the welfare of children, except that the public children 11952
services agency shall not be required to provide supervision of 11953
or other services related to the exercise of parenting time 11954
rights granted pursuant to section 3109.051 or 3109.12 of the 11955
Revised Code or companionship or visitation rights granted 11956
pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised 11957
Code unless a juvenile court, pursuant to Chapter 2151. of the 11958
Revised Code, or a common pleas court, pursuant to division (E) 11959
(6) of section 3113.31 of the Revised Code, requires the 11960
provision of supervision or other services related to the 11961
exercise of the parenting time rights or companionship or 11962
visitation rights; 11963

(14) Make investigations at the request of any 11964
superintendent of schools in the county or the principal of any 11965
school concerning the application of any child adjudicated to be 11966
~~an abused, neglected, or dependent~~ a child in need of protective 11967
services for release from school, where such service is not 11968
provided through a school attendance department; 11969

(15) Administer funds provided under Title IV-E of the 11970
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 11971
amended, in accordance with rules adopted under section 5101.141 11972

of the Revised Code; 11973

(16) In addition to administering Title IV-E adoption 11974
assistance funds, enter into agreements to make adoption 11975
assistance payments under section 5153.163 of the Revised Code; 11976

(17) Implement a system of safety and risk assessment, in 11977
accordance with rules adopted by the director of job and family 11978
services, to assist the public children services agency in 11979
determining the risk of abuse or neglect to a child; 11980

(18) Enter into a plan of cooperation with the board of 11981
county commissioners under section 307.983 of the Revised Code 11982
and comply with each fiscal agreement the board enters into 11983
under section 307.98 of the Revised Code that include family 11984
services duties of public children services agencies and 11985
contracts the board enters into under sections 307.981 and 11986
307.982 of the Revised Code that affect the public children 11987
services agency; 11988

(19) Make reasonable efforts to prevent the removal of an 11989
alleged or adjudicated ~~abused, neglected, or dependent~~ child in 11990
need of protective services from the child's home, eliminate the 11991
continued removal of the child from the child's home, or make it 11992
possible for the child to return home safely, except that 11993
reasonable efforts of that nature are not required when a court 11994
has made a determination under division (A) (2) of section 11995
2151.419 of the Revised Code; 11996

(20) Make reasonable efforts to place the child in a 11997
timely manner in accordance with the permanency plan approved 11998
under division (E) of section 2151.417 of the Revised Code and 11999
to complete whatever steps are necessary to finalize the 12000
permanent placement of the child; 12001

(21) Administer a Title IV-A program identified under 12002
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 12003
that the department of job and family services provides for the 12004
public children services agency to administer under the 12005
department's supervision pursuant to section 5101.801 of the 12006
Revised Code; 12007

(22) Administer the kinship permanency incentive program 12008
created under section 5101.802 of the Revised Code under the 12009
supervision of the director of job and family services; 12010

(23) Provide independent living services pursuant to 12011
sections 2151.81 to 2151.84 of the Revised Code; 12012

(24) File a missing child report with a local law 12013
enforcement agency upon becoming aware that a child in the 12014
custody of the public children services agency is or may be 12015
missing. 12016

(B) The public children services agency shall use the 12017
system implemented pursuant to division (A) (17) of this section 12018
in connection with an investigation undertaken pursuant to 12019
division (G) (1) of section 2151.421 of the Revised Code to 12020
assess both of the following: 12021

(1) The ongoing safety of the child; 12022

(2) The appropriateness of the intensity and duration of 12023
the services provided to meet child and family needs throughout 12024
the duration of a case. 12025

(C) Except as provided in section 2151.422 of the Revised 12026
Code, in accordance with rules of the director of job and family 12027
services, and on behalf of children in the county whom the 12028
public children services agency considers to be in need of 12029
public care or protective services, the public children services 12030

agency may do the following: 12031

(1) Provide or find, with other child serving systems, 12032
specialized foster care for the care of children in a 12033
specialized foster home, as defined in section 5103.02 of the 12034
Revised Code, certified under section 5103.03 of the Revised 12035
Code; 12036

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 12037
this section, contract with the following for the purpose of 12038
assisting the agency with its duties: 12039

(i) County departments of job and family services; 12040

(ii) Boards of alcohol, drug addiction, and mental health 12041
services; 12042

(iii) County boards of developmental disabilities; 12043

(iv) Regional councils of political subdivisions 12044
established under Chapter 167. of the Revised Code; 12045

(v) Private and government providers of services; 12046

(vi) Managed care organizations and prepaid health plans. 12047

(b) A public children services agency contract under 12048
division (C) (2) (a) of this section regarding the agency's duties 12049
under section 2151.421 of the Revised Code may not provide for 12050
the entity under contract with the agency to perform any service 12051
not authorized by the department's rules. 12052

(c) Only a county children services board appointed under 12053
section 5153.03 of the Revised Code that is a public children 12054
services agency may contract under division (C) (2) (a) of this 12055
section. If an entity specified in division (B) or (C) of 12056
section 5153.02 of the Revised Code is the public children 12057

services agency for a county, the board of county commissioners 12058
may enter into contracts pursuant to section 307.982 of the 12059
Revised Code regarding the agency's duties. 12060

Section 2. That existing sections 109.65, 109.741, 109.77, 12061
109.79, 121.37, 121.38, 149.435, 307.86, 2101.17, 2151.011, 12062
2151.10, 2151.141, 2151.18, 2151.23, 2151.236, 2151.24, 2151.25, 12063
2151.27, 2151.272, 2151.28, 2151.281, 2151.31, 2151.312, 12064
2151.314, 2151.315, 2151.33, 2151.331, 2151.35, 2151.353, 12065
2151.359, 2151.3514, 2151.3522, 2151.3523, 2151.3524, 2151.36, 12066
2151.40, 2151.412, 2151.414, 2151.44, 2151.54, 2151.65, 2152.19, 12067
2152.59, 2152.71, 2301.03, 2317.01, 2317.02, 2501.02, 2710.05, 12068
2919.21, 2919.23, 2921.14, 3105.51, 3107.161, 3109.04, 3109.051, 12069
3109.052, 3109.11, 3109.12, 3109.46, 3113.31, 3119.05, 3119.23, 12070
3127.01, 3127.23, 3127.38, 3313.642, 3321.22, 3796.24, 4501.21, 12071
5103.04, 5107.10, 5123.93, 5153.122, 5153.123, and 5153.16 of 12072
the Revised Code are hereby repealed. 12073

Section 3. That sections 2151.03, 2151.031, 2151.04, and 12074
2151.05 of the Revised Code are hereby repealed. 12075

Section 4. That the versions of sections 109.65, 121.37, 12076
2151.011, 2151.281, 2151.353, 2151.36, 2151.412, 5103.04, 12077
5153.122, 5153.123, and 5153.16 of the Revised Code scheduled to 12078
take effect on January 1, 2025, be amended to read as follows: 12079

Sec. 109.65. (A) As used in this section, "minor," 12080
"missing child," and "missing children" have the same meanings 12081
as in section 2901.30 of the Revised Code. 12082

(B) There is hereby created within the office of the 12083
attorney general the missing children clearinghouse. The 12084
attorney general shall administer the clearinghouse. The 12085
clearinghouse is established as a central repository of 12086

information to coordinate and improve the availability of 12087
information regarding missing children, which information shall 12088
be collected and disseminated by the clearinghouse to assist in 12089
the location of missing children. The clearinghouse shall act as 12090
an information repository separate from and in addition to law 12091
enforcement agencies within this state. 12092

(C) The missing children clearinghouse may perform any of 12093
the following functions: 12094

(1) The establishment of services to aid in the location 12095
of missing children that include, but are not limited to, any of 12096
the following services: 12097

(a) Assistance in the preparation and dissemination of 12098
flyers identifying and describing missing children and their 12099
abductors; 12100

(b) The development of informational forms for the 12101
reporting of missing children that may be used by parents, 12102
guardians, and law enforcement officials to facilitate the 12103
location of a missing child; 12104

(c) The provision of assistance to public and private 12105
organizations, boards of education, nonpublic schools, 12106
preschools, child care facilities, and law enforcement agencies 12107
in planning and implementing voluntary programs to fingerprint 12108
children. 12109

(2) The establishment and operation of a toll-free 12110
telephone line for supplemental reports of missing children and 12111
reports of sightings of missing children; 12112

(3) Upon the request of any person or entity and upon 12113
payment of any applicable fee established by the attorney 12114
general under division (H) of this section, the provision to the 12115

person or entity who makes the request of a copy of any 12116
information possessed by the clearinghouse that was acquired or 12117
prepared pursuant to division (E) (3) of this section; 12118

(4) The performance of liaison services between 12119
individuals and public and private agencies regarding procedures 12120
for handling and responding to missing children reports; 12121

(5) The participation as a member in any networks of other 12122
missing children centers or clearinghouses; 12123

(6) The creation and operation of an intrastate network of 12124
communication designed for the speedy collection and processing 12125
of information concerning missing children. 12126

(D) If a board of education is notified by school 12127
personnel that a missing child is attending any school under the 12128
board's jurisdiction, or if the principal or chief 12129
administrative officer of a nonpublic school is notified by 12130
school personnel that a missing child is attending that school, 12131
the board or the principal or chief administrative officer 12132
immediately shall give notice of that fact to the missing 12133
children clearinghouse and to the law enforcement agency with 12134
jurisdiction over the area where the missing child resides. 12135

(E) (1) The attorney general, in cooperation with the 12136
department of children and youth, shall establish a "missing 12137
child educational program" within the missing children 12138
clearinghouse that shall perform the functions specified in 12139
divisions (E) (1) to (3) of this section. The program shall 12140
operate under the supervision and control of the attorney 12141
general in accordance with procedures that the attorney general 12142
shall develop to implement divisions (E) (1) to (3) of this 12143
section. The attorney general shall cooperate with the 12144

department of education and workforce in developing and 12145
disseminating information acquired or prepared pursuant to 12146
division (E) (3) of this section. 12147

(2) Upon the request of any board of education in this 12148
state or any nonpublic school in this state, the missing child 12149
educational program shall provide to the board or school a 12150
reasonable number of copies of the information acquired or 12151
prepared pursuant to division (E) (3) of this section. 12152

Upon the request of any board of education in this state 12153
or any nonpublic school in this state that, pursuant to section 12154
3313.96 of the Revised Code, is developing an information 12155
program concerning missing children issues and matters, the 12156
missing child educational program shall provide to the board or 12157
nonpublic school assistance in developing the information 12158
program. The assistance may include, but is not limited to, the 12159
provision of any or all of the following: 12160

(a) If the requesting entity is a board of education of a 12161
school district, sample policies on missing and exploited 12162
children issues to assist the board in complying with section 12163
3313.205 of the Revised Code; 12164

(b) Suggested safety curricula regarding missing children 12165
issues, including child safety and abduction prevention issues; 12166

(c) Assistance in developing, with local law enforcement 12167
agencies, prosecuting attorneys, boards of education, school 12168
districts, and nonpublic schools, cooperative programs for 12169
fingerprinting children; 12170

(d) Other assistance to further the goals of the program. 12171

(3) The missing child educational program shall acquire or 12172
prepare informational materials relating to missing children 12173

issues and matters. These issues and matters include, but are not limited to, the following:	12174 12175
(a) The types of missing children;	12176
(b) The reasons why and how minors become missing children, the potential adverse consequences of a minor becoming a missing child, and, in the case of minors who are considering running away from home or from the care, custody, and control of their parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or another person responsible for them, alternatives that may be available to address their concerns and problems;	12177 12178 12179 12180 12181 12182 12183 12184
(c) Offenses under federal law that could relate to missing children and other provisions of federal law that focus on missing children;	12185 12186 12187
(d) Offenses under the Revised Code that could relate to missing children, including, but not limited to, kidnapping, abduction, unlawful restraint, child stealing, interference with custody, endangering children, domestic violence, abuse of <u>causing a child to be in need of protective services</u> and <u>contributing to the dependency, neglect, a child being in need of protective services or the unruliness,</u> or delinquency of a child, sexual offenses, drug offenses, prostitution offenses, and obscenity offenses, and other provisions of the Revised Code that could relate to missing children;	12188 12189 12190 12191 12192 12193 12194 12195 12196 12197
(e) Legislation being considered by the general assembly, legislatures of other states, the congress of the United States, and political subdivisions in this or any other state to address missing children issues;	12198 12199 12200 12201
(f) Sources of information on missing children issues;	12202

(g) State, local, federal, and private systems for locating and identifying missing children;	12203 12204
(h) Law enforcement agency programs, responsibilities, and investigative techniques in missing children matters;	12205 12206
(i) Efforts on the community level in this and other states, concerning missing children issues and matters, by governmental entities and private organizations;	12207 12208 12209
(j) The identification of private organizations that, among their primary objectives, address missing children issues and matters;	12210 12211 12212
(k) How to avoid becoming a missing child and what to do if one becomes a missing child;	12213 12214
(l) Efforts that schools, parents, and members of a community can undertake to reduce the risk that a minor will become a missing child and to quickly locate or identify a minor if he becomes a missing child, including, but not limited to, fingerprinting programs.	12215 12216 12217 12218 12219
(F) Each year the missing children clearinghouse shall issue a report describing its performance of the functions specified in division (E) of this section and shall provide a copy of the report to the speaker of the house of representatives, the president of the senate, the governor, the superintendent of the bureau of criminal identification and investigation, and the director of children and youth.	12220 12221 12222 12223 12224 12225 12226
(G) Any state agency or political subdivision of this state that operates a missing children program or a clearinghouse for information about missing children shall coordinate its activities with the missing children clearinghouse.	12227 12228 12229 12230 12231

(H) The attorney general shall determine a reasonable fee 12232
to be charged for providing to any person or entity other than a 12233
state or local law enforcement agency of this or any other 12234
state, a law enforcement agency of the United States, a board of 12235
education of a school district in this state, a nonpublic school 12236
in this state, a governmental entity in this state, or a public 12237
library in this state, pursuant to division (A) (3) of this 12238
section, copies of any information acquired or prepared pursuant 12239
to division (E) (3) of this section. The attorney general shall 12240
collect the fee prior to sending or giving copies of any 12241
information to any person or entity for whom or which this 12242
division requires the fee to be charged and shall deposit the 12243
fee into the missing children fund created by division (I) of 12244
this section. 12245

(I) There is hereby created in the state treasury the 12246
missing children fund that shall consist of all moneys awarded 12247
to the state by donation, gift, or bequest, all other moneys 12248
received for purposes of this section, and all fees collected 12249
pursuant to this section or section 109.64 of the Revised Code. 12250
The attorney general shall use the moneys in the missing 12251
children fund only for purposes of the office of the attorney 12252
general acquiring or preparing information pursuant to division 12253
(E) (3) of this section. 12254

(J) The failure of the missing children clearinghouse to 12255
undertake any function or activity authorized in this section 12256
does not create a cause of action against the state. 12257

Sec. 121.37. (A) (1) There is hereby created the Ohio 12258
family and children first cabinet council. The council shall be 12259
composed of the director of education and workforce, the 12260
executive director of the opportunities for Ohioans with 12261

disabilities agency, the medicaid director, and the directors of 12262
youth services, job and family services, mental health and 12263
addiction services, health, developmental disabilities, aging, 12264
rehabilitation and correction, children and youth, and budget 12265
and management. The chairperson of the council shall be the 12266
governor or the governor's designee and shall establish 12267
procedures for the council's internal control and management. 12268

The purpose of the cabinet council is to help families 12269
seeking government services. This section shall not be 12270
interpreted or applied to usurp the role of parents, but solely 12271
to streamline and coordinate existing government services for 12272
families seeking assistance for their children. 12273

(2) In seeking to fulfill its purpose, the council may do 12274
any of the following: 12275

(a) Advise and make recommendations to the governor and 12276
general assembly regarding the provision of services to 12277
children; 12278

(b) Advise and assess local governments on the 12279
coordination of service delivery to children; 12280

(c) Hold meetings at such times and places as may be 12281
prescribed by the council's procedures and maintain records of 12282
the meetings, except that records identifying individual 12283
children are confidential and shall be disclosed only as 12284
provided by law; 12285

(d) Develop programs and projects, including pilot 12286
projects, to encourage coordinated efforts at the state and 12287
local level to improve the state's social service delivery 12288
system; 12289

(e) Enter into contracts with and administer grants to 12290

county family and children first councils, as well as other	12291
county or multicounty organizations to plan and coordinate	12292
service delivery between state agencies and local service	12293
providers for families and children;	12294
(f) Enter into contracts with and apply for grants from	12295
federal agencies or private organizations;	12296
(g) Enter into interagency agreements to encourage	12297
coordinated efforts at the state and local level to improve the	12298
state's social service delivery system. The agreements may	12299
include provisions regarding the receipt, transfer, and	12300
expenditure of funds;	12301
(h) Identify public and private funding sources for	12302
services provided to alleged or adjudicated unruly children and	12303
children who are at risk of being alleged or adjudicated unruly	12304
children, including regulations governing access to and use of	12305
the services;	12306
(i) Collect information provided by local communities	12307
regarding successful programs for prevention, intervention, and	12308
treatment of unruly behavior, including evaluations of the	12309
programs;	12310
(j) Identify and disseminate publications regarding	12311
alleged or adjudicated unruly children and children who are at	12312
risk of being alleged or adjudicated unruly children and	12313
regarding programs serving those types of children;	12314
(k) Maintain an inventory of strategic planning	12315
facilitators for use by government or nonprofit entities that	12316
serve alleged or adjudicated unruly children or children who are	12317
at risk of being alleged or adjudicated unruly children.	12318
(3) The cabinet council shall provide for the following:	12319

(a) Reviews of service and treatment plans for children for which such reviews are requested;	12320 12321
(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;	12322 12323 12324
(c) Monitoring and supervision of a statewide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of children and youth for early intervention services under the "Individuals with Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended;	12325 12326 12327 12328 12329 12330 12331 12332
(d) Establishing and maintaining the Ohio automated service coordination system pursuant to section 121.376 of the Revised Code.	12333 12334 12335
(4) The cabinet council shall develop and implement the following:	12336 12337
(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well- being in the state and to update the indicators on an annual basis.	12338 12339 12340 12341
(b) An interagency system to offer guidance and monitor progress toward increasing child well-being in the state and in each county;	12342 12343 12344
(c) An annual plan that identifies state-level agency efforts taken to ensure progress towards increasing child well- being in the state;	12345 12346 12347

(d) A state appeals process to resolve disputes among the members of a county council, established under division (B) of this section, concerning whether reasonable responsibilities are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners.

(5) On an annual basis, the cabinet council shall submit to the governor and the general assembly a report on the status of efforts to increase child well-being in the state. This report shall be made available to any other person on request.

(6) The cabinet council state office may adopt rules governing the responsibilities of county family and children first councils established in division (B)(3) of this section.

(B)(1) Each board of county commissioners shall establish a county family and children first council. The board may invite any local public or private agency or group that funds, advocates, or provides services to children and families to have a representative become a permanent or temporary member of its county council. Each county council must include the following individuals:

(a) At least three individuals who are not employed by an agency represented on the council and whose families are or have received services from an agency represented on the council or another county's council. Where possible, the number of members representing families shall be equal to twenty per cent of the council's membership.

(b) The director of the board of alcohol, drug addiction,

and mental health services that serves the county, or, in the 12377
case of a county that has a board of alcohol and drug addiction 12378
services and a community mental health board, the directors of 12379
both boards. If a board of alcohol, drug addiction, and mental 12380
health services covers more than one county, the director may 12381
designate a person to participate on the county's council. 12382

(c) The health commissioner, or the commissioner's 12383
designee, of the board of health of each city and general health 12384
district in the county. If the county has two or more health 12385
districts, the health commissioner membership may be limited to 12386
the commissioners of the two districts with the largest 12387
populations. 12388

(d) The director of the county department of job and 12389
family services; 12390

(e) The executive director of the public children services 12391
agency; 12392

(f) The superintendent of the county board of 12393
developmental disabilities or, if the superintendent serves as 12394
superintendent of more than one county board of developmental 12395
disabilities, the superintendent's designee; 12396

(g) The superintendent of the city, exempted village, or 12397
local school district with the largest number of pupils residing 12398
in the county, as determined by the department of education and 12399
workforce, which shall notify each board of county commissioners 12400
of its determination at least biennially; 12401

(h) A school superintendent representing all other school 12402
districts with territory in the county, as designated at a 12403
biennial meeting of the superintendents of those districts; 12404

(i) A representative of the municipal corporation with the 12405

largest population in the county; 12406

(j) The president of the board of county commissioners or 12407
an individual designated by the board; 12408

(k) A representative of the department of youth services 12409
or an individual designated by the department; 12410

(l) A representative of the county's head start agencies, 12411
as defined in section 3301.32 of the Revised Code; 12412

(m) A representative of the county's early intervention 12413
collaborative established pursuant to the federal early 12414
intervention program operated under the "Individuals with 12415
Disabilities Education Act of 2004"; 12416

(n) A representative of a local nonprofit entity that 12417
funds, advocates, or provides services to children and families. 12418

Notwithstanding any other provision of law, the public 12419
members of a county council are not prohibited from serving on 12420
the council and making decisions regarding the duties of the 12421
council, including those involving the funding of joint projects 12422
and those outlined in the county's service coordination 12423
mechanism implemented pursuant to division (C) of this section. 12424

The county's juvenile court judge senior in service or 12425
another judge of the juvenile court designated by the 12426
administrative judge or, where there is no administrative judge, 12427
by the judge senior in service shall serve as the judicial 12428
advisor to the county family and children first council. The 12429
judge may advise the county council on the court's utilization 12430
of resources, services, or programs provided by the entities 12431
represented by the members of the county council and how those 12432
resources, services, or programs assist the court in its 12433
administration of justice. Service of a judge as a judicial 12434

advisor pursuant to this section is a judicial function. 12435

(2) The purpose of the county council is to streamline and 12436
coordinate existing government services for families seeking 12437
services for their children. In seeking to fulfill its purpose, 12438
a county council shall provide for the following: 12439

(a) Referrals to the cabinet council of those children for 12440
whom the county council cannot provide adequate services; 12441

(b) Development and implementation of a process that 12442
annually evaluates and prioritizes services, fills service gaps 12443
where possible, and invents new approaches to achieve better 12444
results for families and children; 12445

(c) Participation in the development of a countywide, 12446
comprehensive, coordinated, multi-disciplinary, interagency 12447
system for infants and toddlers with developmental disabilities 12448
or delays and their families, as established pursuant to federal 12449
grants received and administered by the department of children 12450
and youth for early intervention services under the "Individuals 12451
with Disabilities Education Act of 2004"; 12452

(d) Maintenance of an accountability system to monitor the 12453
county council's progress in achieving results for families and 12454
children; 12455

(e) Establishment of a mechanism to ensure ongoing input 12456
from a broad representation of families who are receiving 12457
services within the county system. 12458

(3) A county council shall develop and implement the 12459
following: 12460

(a) An interagency process to establish local indicators 12461
and monitor the county's progress toward increasing child well- 12462

being in the county; 12463

(b) An interagency process to identify local priorities to 12464
increase child well-being. 12465

(c) An annual plan that identifies the county's 12466
interagency efforts to increase child well-being in the county. 12467

On an annual basis, the county council shall submit a 12468
report on the status of efforts by the county to increase child 12469
well-being in the county to the county's board of county 12470
commissioners and the cabinet council. This report shall be made 12471
available to any other person on request. 12472

(4) (a) Except as provided in division (B) (4) (b) of this 12473
section, a county council shall comply with the policies, 12474
procedures, and activities prescribed by the rules or 12475
interagency agreements of a state department participating on 12476
the cabinet council whenever the county council performs a 12477
function subject to those rules or agreements. 12478

(b) On application of a county council, the cabinet 12479
council may grant an exemption from any rules or interagency 12480
agreements of a state department participating on the council if 12481
an exemption is necessary for the council to implement an 12482
alternative program or approach for service delivery to families 12483
and children. The application shall describe the proposed 12484
program or approach and specify the rules or interagency 12485
agreements from which an exemption is necessary. The cabinet 12486
council shall approve or disapprove the application in 12487
accordance with standards and procedures it shall adopt. If an 12488
application is approved, the exemption is effective only while 12489
the program or approach is being implemented, including a 12490
reasonable period during which the program or approach is being 12491

evaluated for effectiveness. 12492

(5) (a) Each county council shall designate an 12493
administrative agent for the council from among the following 12494
public entities: the board of alcohol, drug addiction, and 12495
mental health services, including a board of alcohol and drug 12496
addiction or a community mental health board if the county is 12497
served by separate boards; the board of county commissioners; 12498
any board of health of the county's city and general health 12499
districts; the county department of job and family services; the 12500
county agency responsible for the administration of children 12501
services pursuant to section 5153.15 of the Revised Code; the 12502
county board of developmental disabilities; any of the county's 12503
boards of education or governing boards of educational service 12504
centers; or the county's juvenile court. Any of the foregoing 12505
public entities, other than the board of county commissioners, 12506
may decline to serve as the council's administrative agent. 12507

A county council's administrative agent shall serve as the 12508
council's appointing authority for any employees of the council. 12509
The council shall file an annual budget with its administrative 12510
agent, with copies filed with the county auditor and with the 12511
board of county commissioners, unless the board is serving as 12512
the council's administrative agent. The council's administrative 12513
agent shall ensure that all expenditures are handled in 12514
accordance with policies, procedures, and activities prescribed 12515
by state departments in rules, grant agreements, or interagency 12516
agreements that are applicable to the council's functions. 12517

The administrative agent of a county council shall send 12518
notice of a member's absence if a member listed in division (B) 12519
(1) of this section has been absent from either three 12520
consecutive meetings of the county council or a county council 12521

subcommittee, or from one-quarter of such meetings in a calendar year, whichever is less. The notice shall be sent to the board of county commissioners that establishes the county council and, for the members listed in divisions (B) (1) (b), (c), (e), and (l) of this section, to the governing board overseeing the respective entity; for the member listed in division (B) (1) (f) of this section, to the county board of developmental disabilities that employs the superintendent; for a member listed in division (B) (1) (g) or (h) of this section, to the school board that employs the superintendent; for the member listed in division (B) (1) (i) of this section, to the mayor of the municipal corporation; for the member listed in division (B) (1) (k) of this section, to the director of youth services; and for the member listed in division (B) (1) (n) of this section, to that member's board of trustees.

The administrative agent for a county council may do any of the following on behalf of the council:

(i) Enter into agreements or administer contracts with public or private entities to fulfill specific council business. Such agreements and contracts are exempt from the competitive bidding requirements of section 307.86 of the Revised Code if they have been approved by the county council and they are for the purchase of services for families and children. The approval of the county council is not required to exempt agreements or contracts entered into under section 5139.34, 5139.41, or 5139.43 of the Revised Code from the competitive bidding requirements of section 307.86 of the Revised Code.

(ii) As determined by the council, provide financial stipends, reimbursements, or both, to family representatives for expenses related to council activity;

(iii) Receive by gift, grant, devise, or bequest any 12552
moneys, lands, or other property for the purposes for which the 12553
council is established. The agent shall hold, apply, and dispose 12554
of the moneys, lands, or other property according to the terms 12555
of the gift, grant, devise, or bequest. Any interest or earnings 12556
shall be treated in the same manner and are subject to the same 12557
terms as the gift, grant, devise, or bequest from which it 12558
accrues. 12559

(b) (i) If the county council designates the board of 12560
county commissioners as its administrative agent, the board may, 12561
by resolution, delegate any of its powers and duties as 12562
administrative agent to an executive committee the board 12563
establishes from the membership of the county council. The board 12564
shall name to the executive committee at least the individuals 12565
described in divisions (B) (1) (b) to (h) of this section and may 12566
appoint the president of the board or another individual as the 12567
chair of the executive committee. The executive committee must 12568
include at least one family county council representative who 12569
does not have a family member employed by an agency represented 12570
on the council. 12571

(ii) The executive committee may, with the approval of the 12572
board, hire an executive director to assist the county council 12573
in administering its powers and duties. The executive director 12574
shall serve in the unclassified civil service at the pleasure of 12575
the executive committee. The executive director may, with the 12576
approval of the executive committee, hire other employees as 12577
necessary to properly conduct the county council's business. 12578

(iii) The board may require the executive committee to 12579
submit an annual budget to the board for approval and may amend 12580
or repeal the resolution that delegated to the executive 12581

committee its authority as the county council's administrative 12582
agent. 12583

(6) Two or more county councils may enter into an 12584
agreement to administer their county councils jointly by 12585
creating a regional family and children first council. A 12586
regional council possesses the same duties and authority 12587
possessed by a county council, except that the duties and 12588
authority apply regionally rather than to individual counties. 12589
Prior to entering into an agreement to create a regional 12590
council, the members of each county council to be part of the 12591
regional council shall meet to determine whether all or part of 12592
the members of each county council will serve as members of the 12593
regional council. 12594

(7) A board of county commissioners may approve a 12595
resolution by a majority vote of the board's members that 12596
requires the county council to submit a statement to the board 12597
each time the council proposes to enter into an agreement, adopt 12598
a plan, or make a decision, other than a decision pursuant to 12599
section 121.38 of the Revised Code, that requires the 12600
expenditure of funds for two or more families. The statement 12601
shall describe the proposed agreement, plan, or decision. 12602

Not later than fifteen days after the board receives the 12603
statement, it shall, by resolution approved by a majority of its 12604
members, approve or disapprove the agreement, plan, or decision. 12605
Failure of the board to pass a resolution during that time 12606
period shall be considered approval of the agreement, plan, or 12607
decision. 12608

An agreement, plan, or decision for which a statement is 12609
required to be submitted to the board shall be implemented only 12610
if it is approved by the board. 12611

(C) Each county shall develop a county service coordination mechanism. The county service coordination mechanism shall serve as the guiding document for coordination of services in the county. For children who also receive services under the early intervention program, the main provider of service coordination shall be an early intervention service coordinator to ensure compliance with section 5123.02 of the Revised Code. All family service coordination plans shall be developed in accordance with the county service coordination mechanism. The mechanism shall be developed and approved with the participation of the county entities representing child welfare; developmental disabilities; alcohol, drug addiction, and mental health services; health; juvenile judges; education; the county family and children first council; and the county early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004." The county shall establish an implementation schedule for the mechanism. The cabinet council may monitor the implementation and administration of each county's service coordination mechanism.

Each mechanism shall include all of the following:

(1) A procedure for an agency, including a juvenile court, or a family voluntarily seeking service coordination, to refer the child and family to the county council for service coordination in accordance with the mechanism;

(2) A procedure ensuring that a family and all appropriate staff from involved agencies, including a representative from the appropriate school district, are notified of and invited to participate in all family service coordination plan meetings;

(3) A procedure that permits a family to initiate a meeting to develop or review the family's service coordination plan and allows the family to invite a family advocate, mentor, or support person of the family's choice to participate in any such meeting;

(4) A procedure for ensuring that a family service coordination plan meeting is conducted for each child who receives service coordination under the mechanism and for whom an emergency out-of-home placement has been made or for whom a nonemergency out-of-home placement is being considered. The meeting shall be conducted within ten days of an emergency out-of-home placement. The meeting shall be conducted before a nonemergency out-of-home placement. The family service coordination plan shall outline how the county council members will jointly pay for services, where applicable, and provide services in the least restrictive environment.

(5) A procedure for monitoring the progress and tracking the outcomes of each service coordination plan requested in the county including monitoring and tracking children in out-of-home placements to assure continued progress, appropriateness of placement, and continuity of care after discharge from placement with appropriate arrangements for housing, treatment, and education;

(6) A procedure for protecting the confidentiality of all personal family information disclosed during service coordination meetings or contained in the comprehensive family service coordination plan;

(7) A procedure for assessing the needs and strengths of any child or family that has been referred to the council for service coordination, including a child whose parent or

custodian is voluntarily seeking services, and for ensuring that 12672
parents and custodians are afforded the opportunity to 12673
participate; 12674

(8) A procedure for development of a family service 12675
coordination plan described in division (D) of this section; 12676

(9) A local dispute resolution process to serve as the 12677
process that must be used first to resolve disputes among the 12678
agencies represented on the county council concerning the 12679
provision of services to children, including children who are 12680
abused, neglected, ~~dependent~~ or adjudicated as a child in need of 12681
protective services, unruly, alleged unruly, or delinquent 12682
children and under the jurisdiction of the juvenile court and 12683
children whose parents or custodians are voluntarily seeking 12684
services. The local dispute resolution process shall comply with 12685
sections 121.38, 121.381, and 121.382 of the Revised Code. The 12686
local dispute resolution process shall be used to resolve 12687
disputes between a child's parents or custodians and the county 12688
council regarding service coordination. The county council shall 12689
inform the parents or custodians of their right to use the 12690
dispute resolution process. Parents or custodians shall use 12691
existing local agency grievance procedures to address disputes 12692
not involving service coordination. The dispute resolution 12693
process is in addition to and does not replace other rights or 12694
procedures that parents or custodians may have under other 12695
sections of the Revised Code. 12696

The cabinet council shall adopt rules in accordance with 12697
Chapter 119. of the Revised Code establishing an administrative 12698
review process to address problems that arise concerning the 12699
operation of a local dispute resolution process. 12700

Nothing in division (C) (4) of this section shall be 12701

interpreted as overriding or affecting decisions of a juvenile 12702
court or public children services agency regarding an out-of- 12703
home placement, long-term placement, or emergency out-of-home 12704
placement. 12705

(D) Each county shall develop a family service 12706
coordination plan that does all of the following: 12707

(1) Designates service responsibilities among the various 12708
state and local agencies that provide services to children and 12709
their families, including children who are abused, neglected, 12710
dependent or alleged or adjudicated a child in need of protective 12711
services, unruly, or delinquent children and under the 12712
jurisdiction of the juvenile court and children whose parents or 12713
custodians are voluntarily seeking services; 12714

(2) Designates an individual, approved by the family, to 12715
track the progress of the family service coordination plan, 12716
schedule reviews as necessary, and facilitate the family service 12717
coordination plan meeting process; 12718

(3) Ensures that assistance and services to be provided 12719
are responsive to the strengths and needs of the family, as well 12720
as the family's culture, race, and ethnic group, by allowing the 12721
family to offer information and suggestions and participate in 12722
decisions. Identified assistance and services shall be provided 12723
in the least restrictive environment possible. 12724

(4) Includes a process for dealing with a child who is 12725
alleged to be an unruly child. The process shall include methods 12726
to divert the child from the juvenile court system; 12727

(5) Includes timelines for completion of goals specified 12728
in the plan with regular reviews scheduled to monitor progress 12729
toward those goals; 12730

(6) Includes a plan for dealing with short-term crisis situations and safety concerns.	12731 12732
(E) (1) The process provided for under division (D) (4) of this section may include, but is not limited to, the following:	12733 12734
(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C) (7) of this section and designation of the instrument or instruments to be used to conduct the assessment;	12735 12736 12737 12738
(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;	12739 12740 12741
(c) Involvement of local law enforcement agencies and officials.	12742 12743
(2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following:	12744 12745 12746
(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system;	12747 12748 12749 12750 12751 12752
(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;	12753 12754 12755 12756
(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation	12757 12758

involving a confrontation between the child and the parents,
guardian, or custodian; 12759
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(d) A program to provide a mentor to the child or the
parents, guardian, or custodian; 12761
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(e) A program to provide parenting education to the
parents, guardian, or custodian; 12763
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(f) An alternative school program for children who are
truant from school, repeatedly disruptive in school, or
suspended or expelled from school; 12765
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(g) Other appropriate measures, including, but not limited
to, any alternative methods to divert a child from the juvenile
court system that are identified by the Ohio family and children
first cabinet council. 12768
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(F) Each county may review and revise the service
coordination process described in division (D) of this section
based on the availability of funds under Title IV-A of the
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601,
as amended, or to the extent resources are available from any
other federal, state, or local funds. 12772
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(G) As used in this section, "early intervention service
coordinator" means a person who holds an early intervention
service coordinator credential or an early intervention service
coordination supervisor credential issued by the department of
developmental disabilities and who assists and enables an infant
or toddler with a developmental delay or disability and the
child's family to receive the services and rights, including
procedural safeguards, required under part C of the "Individuals
with Disabilities Education Act of 2004," 20 U.S.C. 1400, as
amended. 12778
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Sec. 2151.011. (A) As used in the Revised Code:	12788
(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:	12789 12790 12791
(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;	12792 12793 12794 12795 12796
(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;	12797 12798 12799 12800 12801
(c) If division (A) (1) (a) or (b) of this section does not apply, the probate division of the court of common pleas.	12802 12803
(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.	12804 12805
(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.	12806 12807 12808 12809 12810
(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of children and youth that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:	12811 12812 12813 12814 12815 12816

(a) Receives and cares for children for two or more consecutive weeks;	12817 12818
(b) Participates in the placement of children in certified foster homes;	12819 12820
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	12821 12822
(B) As used in this chapter:	12823
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	12824 12825 12826 12827 12828 12829
(2) "Adult" means an individual who is eighteen years of age or older.	12830 12831
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	12832 12833 12834 12835
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	12836 12837 12838 12839 12840 12841
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	12842 12843 12844

(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.

(7) "Child day camp," "child care," "child care center," "part-time child care center," "type A family child care home," "licensed type B family child care home," "type B family child care home," "administrator of a child care center," "administrator of a type A family child care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.

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

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

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

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's

siblings in alleviating identified problems that may cause or 12874
have caused the child to be ~~an abused, neglected, or dependent a~~ 12875
child in need of protective services. 12876

(b) Psychiatric or psychological therapeutic counseling 12877
services provided to correct or alleviate any mental or 12878
emotional illness or disorder and performed by a licensed 12879
psychiatrist, licensed psychologist, or a person licensed under 12880
Chapter 4757. of the Revised Code to engage in social work or 12881
professional counseling. 12882

(11) "Custodian" means a person who has legal custody of a 12883
child or a public children services agency or private child 12884
placing agency that has permanent, temporary, or legal custody 12885
of a child. 12886

(12) "Delinquent child" has the same meaning as in section 12887
2152.02 of the Revised Code. 12888

(13) "Detention" means the temporary care of children 12889
pending court adjudication or disposition, or execution of a 12890
court order, in a public or private facility designed to 12891
physically restrict the movement and activities of children. 12892

(14) "Developmental disability" has the same meaning as in 12893
section 5123.01 of the Revised Code. 12894

(15) "Differential response approach" means an approach 12895
that a public children services agency may use to respond to 12896
accepted reports of child abuse or neglect with either an 12897
alternative response or a traditional response. 12898

(16) "Family care plan" has the same meaning as "family 12899
care plan" or "plan of safe care" in rule 5101:2-1-01 of the 12900
Administrative Code. 12901

~~(17)~~ (17) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code. 12902
12903

~~(17)~~ (18) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents. 12904
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~~(18)~~ (19) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year. 12910
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~~(19)~~ (20) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code. 12915
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~~(20)~~ (21) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code. 12917
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~~(21)~~ (22) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court. 12919
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~~(22)~~ (23) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not 12929
12930

limited to, any of the following: 12931

(a) The fact that the child in question has enrolled in 12932
and is attending another public or nonpublic school in this or 12933
another state; 12934

(b) The fact that the child in question is excused from 12935
attendance at school for any of the reasons specified in section 12936
3321.04 or 3321.042 of the Revised Code; 12937

(c) The fact that the child in question has received an 12938
age and schooling certificate in accordance with section 3331.01 12939
of the Revised Code. 12940

~~(23)~~ (24) "Mental illness" has the same meaning as in 12941
section 5122.01 of the Revised Code. 12942

~~(24)~~ (25) "Mental injury" means any behavioral, cognitive, 12943
emotional, or mental disorder in a child caused by an act or 12944
omission that is described in section 2919.22 of the Revised 12945
Code and is committed by the parent or other person responsible 12946
for the child's care. 12947

~~(25)~~ (26) "Nonsecure care, supervision, or training" means 12948
care, supervision, or training of a child in a facility that 12949
does not confine or prevent movement of the child within the 12950
facility or from the facility. 12951

~~(26)~~ (27) "Of compulsory school age" has the same meaning 12952
as in section 3321.01 of the Revised Code. 12953

~~(27)~~ (28) "Organization" means any institution, public, 12954
semipublic, or private, and any private association, society, or 12955
agency located or operating in the state, incorporated or 12956
unincorporated, having among its functions the furnishing of 12957
protective services or care for children, or the placement of 12958

children in certified foster homes or elsewhere.	12959
(28) <u>(29)</u> "Out-of-home care" means detention facilities,	12960
shelter facilities, certified children's crisis care facilities,	12961
certified foster homes, placement in a prospective adoptive home	12962
prior to the issuance of a final decree of adoption,	12963
organizations, certified organizations, child care centers, type	12964
A family child care homes, type B family child care homes, child	12965
care provided by in-home aides, group home providers, group	12966
homes, institutions, state institutions, residential facilities,	12967
residential care facilities, residential camps, day camps,	12968
private, nonprofit therapeutic wilderness camps, public schools,	12969
chartered nonpublic schools, educational service centers,	12970
hospitals, and medical clinics that are responsible for the	12971
care, physical custody, or control of children.	12972
(29) <u>(30)</u> "Out-of-home care child abuse" means any of the	12973
following when committed by a person responsible for the care of	12974
a child in out-of-home care:	12975
(a) Engaging in sexual activity with a child in the	12976
person's care;	12977
(b) Denial to a child, as a means of punishment, of proper	12978
or necessary subsistence, education, medical care, or other care	12979
necessary for a child's health;	12980
(c) Use of restraint procedures on a child that cause	12981
injury or pain;	12982
(d) Administration of prescription drugs or psychotropic	12983
medication to the child without the written approval and ongoing	12984
supervision of a licensed physician;	12985
(e) Commission of any act, other than by accidental means,	12986
that results in any injury to or death of the child in out-of-	12987

home care or commission of any act by accidental means that 12988
results in an injury to or death of a child in out-of-home care 12989
and that is at variance with the history given of the injury or 12990
death. 12991

~~(30)~~ (31) "Out-of-home care child neglect" means any of 12992
the following when committed by a person responsible for the 12993
care of a child in out-of-home care: 12994

(a) Failure to provide reasonable supervision according to 12995
the standards of care appropriate to the age, mental and 12996
physical condition, or other special needs of the child; 12997

(b) Failure to provide reasonable supervision according to 12998
the standards of care appropriate to the age, mental and 12999
physical condition, or other special needs of the child, that 13000
results in sexual or physical abuse of the child by any person; 13001

(c) Failure to develop a process for all of the following: 13002

(i) Administration of prescription drugs or psychotropic 13003
drugs for the child; 13004

(ii) Assuring that the instructions of the licensed 13005
physician who prescribed a drug for the child are followed; 13006

(iii) Reporting to the licensed physician who prescribed 13007
the drug all unfavorable or dangerous side effects from the use 13008
of the drug. 13009

(d) Failure to provide proper or necessary subsistence, 13010
education, medical care, or other individualized care necessary 13011
for the health or well-being of the child; 13012

(e) Confinement of the child to a locked room without 13013
monitoring by staff; 13014

(f) Failure to provide ongoing security for all 13015
prescription and nonprescription medication; 13016

(g) Isolation of a child for a period of time when there 13017
is substantial risk that the isolation, if continued, will 13018
impair or retard the mental health or physical well-being of the 13019
child. 13020

~~(31)~~ (32) "Permanent custody" means a legal status that 13021
vests in a public children services agency or a private child 13022
placing agency, all parental rights, duties, and obligations, 13023
including the right to consent to adoption, and divests the 13024
natural parents or adoptive parents of all parental rights, 13025
privileges, and obligations, including all residual rights and 13026
obligations. 13027

~~(32)~~ (33) "Permanent surrender" means the act of the 13028
parents or, if a child has only one parent, of the parent of a 13029
child, by a voluntary agreement authorized by section 5103.15 of 13030
the Revised Code, to transfer the permanent custody of the child 13031
to a public children services agency or a private child placing 13032
agency. 13033

~~(33)~~ (34) "Person" means an individual, association, 13034
corporation, or partnership and the state or any of its 13035
political subdivisions, departments, or agencies. 13036

~~(34)~~ (35) "Person responsible for a child's care in out- 13037
of-home care" means any of the following: 13038

(a) Any foster caregiver, in-home aide, or provider; 13039

(b) Any administrator, employee, or agent of any of the 13040
following: a public or private detention facility; shelter 13041
facility; certified children's crisis care facility; 13042
organization; certified organization; child care center; type A 13043

family child care home; licensed type B family child care home; 13044
group home; institution; state institution; residential 13045
facility; residential care facility; residential camp; day camp; 13046
school district; community school; chartered nonpublic school; 13047
educational service center; hospital; or medical clinic; 13048

(c) Any person who supervises or coaches children as part 13049
of an extracurricular activity sponsored by a school district, 13050
public school, or chartered nonpublic school; 13051

(d) Any other person who performs a similar function with 13052
respect to, or has a similar relationship to, children. 13053

~~(35)~~ (36) "Physical impairment" means having one or more 13054
of the following conditions that substantially limit one or more 13055
of an individual's major life activities, including self-care, 13056
receptive and expressive language, learning, mobility, and self- 13057
direction: 13058

(a) A substantial impairment of vision, speech, or 13059
hearing; 13060

(b) A congenital orthopedic impairment; 13061

(c) An orthopedic impairment caused by disease, rheumatic 13062
fever or any other similar chronic or acute health problem, or 13063
amputation or another similar cause. 13064

~~(36)~~ (37) "Placement for adoption" means the arrangement 13065
by a public children services agency or a private child placing 13066
agency with a person for the care and adoption by that person of 13067
a child of whom the agency has permanent custody. 13068

~~(37)~~ (38) "Placement in foster care" means the arrangement 13069
by a public children services agency or a private child placing 13070
agency for the out-of-home care of a child of whom the agency 13071

has temporary custody or permanent custody. 13072

~~(38)~~ (39) "Planned permanent living arrangement" means an 13073
order of a juvenile court pursuant to which both of the 13074
following apply: 13075

(a) The court gives legal custody of a child to a public 13076
children services agency or a private child placing agency 13077
without the termination of parental rights. 13078

(b) The order permits the agency to make an appropriate 13079
placement of the child and to enter into a written agreement 13080
with a foster care provider or with another person or agency 13081
with whom the child is placed. 13082

~~(39)~~ (40) "Practice of social work" and "practice of 13083
professional counseling" have the same meanings as in section 13084
4757.01 of the Revised Code. 13085

~~(40)~~ (41) "Private, nonprofit therapeutic wilderness camp" 13086
has the same meaning as in section 5103.02 of the Revised Code. 13087

~~(41) "Sanction, service, or condition" means a sanction, 13088
service, or condition created by court order following an 13089
adjudication that a child is an unruly child that is described 13090
in division (A) (4) of section 2152.19 of the Revised Code. 13091~~

(42) "Protective supervision" means an order of 13092
disposition pursuant to which the court permits ~~an abused, 13093
neglected, dependent, a child in need of protective services or 13094
an unruly child to remain in the custody of the child's parents, 13095
guardian, or custodian and stay in the child's home, subject to 13096
any conditions and limitations upon the child, the child's 13097
parents, guardian, or custodian, or any other person that the 13098
court prescribes, including supervision as directed by the court 13099
for the protection of the child. 13100~~

- (43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code. 13101
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- (44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 13103
13104
- (45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code. 13105
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- (46) "Resource family" has the same meaning as in section 5103.02 of the Revised Code. 13107
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- (47) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes. 13109
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- (48) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code and that provides care for a child. 13112
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- (49) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides. 13116
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- (50) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support. 13120
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- (51) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an 13127
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<u>adjudication that a child is an unruly child that is described</u>	13129
<u>in division (A) (4) of section 2152.19 of the Revised Code.</u>	13130
<u>(52)</u> "School day" means the school day established by the	13131
board of education of the applicable school district pursuant to	13132
section 3313.481 of the Revised Code.	13133
(52) <u>(53)</u> "School year" has the same meaning as in section	13134
3313.62 of the Revised Code.	13135
(53) <u>(54)</u> "Secure correctional facility" means a facility	13136
under the direction of the department of youth services that is	13137
designed to physically restrict the movement and activities of	13138
children and used for the placement of children after	13139
adjudication and disposition.	13140
(54) <u>(55)</u> "Sexual activity" has the same meaning as in	13141
section 2907.01 of the Revised Code.	13142
<u>(56) "Sexual exploitation" means the purchase,</u>	13143
<u>advertisement, proposition, encouragement, or coercion of a</u>	13144
<u>child to participate in acting, photography, commercial sex</u>	13145
<u>trafficking, or any other depiction or action that is sexual in</u>	13146
<u>nature by any person.</u>	13147
(55) <u>(57)</u> "Shelter" means the temporary care of children	13148
in physically unrestricted facilities pending court adjudication	13149
or disposition.	13150
(56) <u>(58)</u> "Shelter for victims of domestic violence" has	13151
the same meaning as in section 3113.33 of the Revised Code.	13152
(57) <u>(59)</u> "Substance-affected infant" has the same meaning	13153
<u>as in rule 5101:2-1-01 of the Administrative Code.</u>	13154
<u>(60)</u> "Temporary custody" means legal custody of a child	13155
who is removed from the child's home, which custody may be	13156

terminated at any time at the discretion of the court or, if the 13157
legal custody is granted in an agreement for temporary custody, 13158
by the person who executed the agreement. 13159

~~(58)~~ (61) "Traditional response" means a public children 13160
services agency's response to a report of child abuse or neglect 13161
that encourages engagement of the family in a comprehensive 13162
evaluation of the child's current and future safety needs and a 13163
fact-finding process to determine whether child abuse or neglect 13164
occurred and the circumstances surrounding the alleged harm or 13165
risk of harm. 13166

(C) For the purposes of this chapter, a child shall be 13167
presumed abandoned when the parents of the child have failed to 13168
visit or maintain contact with the child for more than ninety 13169
days, regardless of whether the parents resume contact with the 13170
child after that period of ninety days. 13171

Sec. 2151.281. (A) The court shall appoint a guardian ad 13172
litem, subject to rules adopted by the supreme court, to protect 13173
the interest of a child in any proceeding concerning an alleged 13174
or adjudicated delinquent child or unruly child when either of 13175
the following applies: 13176

(1) The child has no parent, guardian, or legal custodian. 13177

(2) The court finds that there is a conflict of interest 13178
between the child and the child's parent, guardian, or legal 13179
custodian. 13180

(B) (1) Except as provided in division (K) of this section, 13181
the court shall appoint a guardian ad litem, subject to rules 13182
adopted by the supreme court, to protect the interest of a child 13183
in any proceeding concerning an alleged ~~abused or neglected~~ 13184
child in need of protective services and in any proceeding held 13185

pursuant to section 2151.414 of the Revised Code. The guardian 13186
ad litem so appointed shall not be the attorney responsible for 13187
presenting the evidence alleging that the child is ~~an abused or~~ 13188
~~neglected~~ a child in need of protective services and shall not 13189
be an employee of any party in the proceeding. 13190

~~(2) Except in any proceeding concerning a dependent child~~ 13191
~~involving the permanent custody of an infant under the age of~~ 13192
~~six months for the sole purpose of placement for adoption by a~~ 13193
~~private child placing agency, the court shall appoint a guardian~~ 13194
~~ad litem, subject to rules adopted by the supreme court, to~~ 13195
~~protect the interest of a child in any proceeding concerning an~~ 13196
~~alleged dependent child if any of the following applies:~~ 13197

~~(a) The parent of the child appears to be mentally~~ 13198
~~incompetent or is under eighteen years of age.~~ 13199

~~(b) There is a conflict of interest between the child and~~ 13200
~~the child's parents, guardian, or custodian.~~ 13201

~~(c) The court believes that the parent of the child is not~~ 13202
~~capable of representing the best interest of the child.~~ 13203

~~(3) Except in any proceeding concerning a dependent child~~ 13204
~~involving the permanent custody of an infant under the age of~~ 13205
~~six months for the sole purpose of placement for adoption by a~~ 13206
~~private child placing agency, the court may appoint a guardian~~ 13207
~~ad litem, subject to rules adopted by the supreme court, to~~ 13208
~~protect the interest of the child in any other proceeding~~ 13209
~~concerning an alleged dependent child.~~ 13210

~~(4)~~The guardian ad litem appointed for an alleged or 13211
adjudicated ~~abused or neglected~~ child in need of protective 13212
services may bring a civil action against any person who is 13213
required by division (A) (1) or (4) of section 2151.421 of the 13214

Revised Code to file a report of child abuse or child neglect 13215
that is known or reasonably suspected or believed to have 13216
occurred if that person knows, or has reasonable cause to 13217
suspect or believe based on facts that would cause a reasonable 13218
person in a similar position to suspect or believe, as 13219
applicable, that the child for whom the guardian ad litem is 13220
appointed is the subject of an act or situation causing child 13221
abuse or child neglect and does not file the required report and 13222
if the child suffers any injury or harm as a result of the child 13223
abuse or child neglect that is known or reasonably suspected or 13224
believed to have occurred or suffers additional injury or harm 13225
after the failure to file the report. 13226

(C) In any proceeding concerning an alleged or adjudicated 13227
delinquent, ~~or unruly, abused, neglected, or dependent child~~ or 13228
a child in need of protective services in which the parent 13229
appears to be mentally incompetent or is under eighteen years of 13230
age, the court shall appoint a guardian ad litem to protect the 13231
interest of that parent. 13232

(D) The court shall require the guardian ad litem to 13233
faithfully discharge the guardian ad litem's duties and, upon 13234
the guardian ad litem's failure to faithfully discharge the 13235
guardian ad litem's duties, shall discharge the guardian ad 13236
litem and appoint another guardian ad litem. The court may fix 13237
the compensation for the service of the guardian ad litem, which 13238
compensation shall be paid from the treasury of the county, 13239
subject to rules adopted by the supreme court. 13240

(E) A parent who is eighteen years of age or older and not 13241
mentally incompetent shall be deemed sui juris for the purpose 13242
of any proceeding relative to a child of the parent who is 13243
alleged or adjudicated to be ~~an abused, neglected, or dependent~~ 13244

a child in need of protective services. 13245

(F) In any case in which a parent of a child alleged or 13246
adjudicated to be ~~an abused, neglected, or dependent~~ a child in 13247
need of protective services is under eighteen years of age, the 13248
parents of that parent shall be summoned to appear at any 13249
hearing respecting the child, who is alleged or adjudicated to 13250
be ~~an abused, neglected, or dependent~~ a child in need of 13251
protective services. 13252

(G) Except as provided in division (K) of this section, in 13253
any case in which a guardian ad litem is to be appointed for an 13254
alleged or adjudicated ~~abused, neglected, or dependent~~ child in 13255
need of protective services or in any case involving an 13256
agreement for the voluntary surrender of temporary or permanent 13257
custody of a child that is made in accordance with section 13258
5103.15 of the Revised Code, the court shall appoint the 13259
guardian ad litem in each case as soon as possible after the 13260
complaint is filed, the request for an extension of the 13261
temporary custody agreement is filed with the court, or the 13262
request for court approval of the permanent custody agreement is 13263
filed. The guardian ad litem or the guardian ad litem's 13264
replacement shall continue to serve until any of the following 13265
occur: 13266

(1) The complaint is dismissed or the request for an 13267
extension of a temporary custody agreement or for court approval 13268
of the permanent custody agreement is withdrawn or denied; 13269

(2) All dispositional orders relative to the child have 13270
terminated; 13271

(3) The legal custody of the child is granted to a 13272
relative of the child, or to another person; 13273

(4) The child is placed in an adoptive home or, at the court's discretion, a final decree of adoption is issued with respect to the child;

(5) The child reaches the age of eighteen if the child does not have a developmental disability or physical impairment or the child reaches the age of twenty-one if the child has a developmental disability or physical impairment;

(6) The guardian ad litem resigns or is removed by the court and a replacement is appointed by the court.

If a guardian ad litem ceases to serve a child pursuant to division (G)(4) of this section and the petition for adoption with respect to the child is denied or withdrawn prior to the issuance of a final decree of adoption or prior to the date an interlocutory order of adoption becomes final, the juvenile court shall reappoint a guardian ad litem for that child. The public children services agency or private child placing agency with permanent custody of the child shall notify the juvenile court if the petition for adoption is denied or withdrawn.

(H) If the guardian ad litem for an alleged or adjudicated ~~abused, neglected, or dependent~~ child in need of protective services is an attorney admitted to the practice of law in this state, the guardian ad litem also may serve as counsel to the ward. Until the supreme court adopts rules regarding service as a guardian ad litem that regulate conflicts between a person's role as guardian ad litem and as counsel, if a person is serving as guardian ad litem and counsel for a child and either that person or the court finds that a conflict may exist between the person's roles as guardian ad litem and as counsel, the court shall relieve the person of duties as guardian ad litem and appoint someone else as guardian ad litem for the child. If the

court appoints a person who is not an attorney admitted to the 13304
practice of law in this state to be a guardian ad litem, the 13305
court also may appoint an attorney admitted to the practice of 13306
law in this state to serve as counsel for the guardian ad litem. 13307

(I) The guardian ad litem for an alleged or adjudicated 13308
~~abused, neglected, or dependent~~ child in need of protective 13309
services shall perform whatever functions are necessary to 13310
protect the best interest of the child, including, but not 13311
limited to, investigation, mediation, monitoring court 13312
proceedings, and monitoring the services provided the child by 13313
the public children services agency or private child placing 13314
agency that has temporary or permanent custody of the child, and 13315
shall file any motions and other court papers that are in the 13316
best interest of the child in accordance with rules adopted by 13317
the supreme court. 13318

The guardian ad litem shall be given notice of all 13319
hearings, administrative reviews, and other proceedings in the 13320
same manner as notice is given to parties to the action. 13321

(J) (1) When the court appoints a guardian ad litem 13322
pursuant to this section, it shall appoint a qualified volunteer 13323
or court appointed special advocate whenever one is available 13324
and the appointment is appropriate. 13325

(2) Upon request, the department of children and youth 13326
shall provide for the training of volunteer guardians ad litem. 13327

(K) A guardian ad litem shall not be appointed for a child 13328
who is under six months of age in any proceeding in which a 13329
private child placing agency is seeking permanent custody of the 13330
child or seeking approval of a voluntary permanent custody 13331
surrender agreement for the sole purpose of the adoption of the 13332

child. 13333

Sec. 2151.353. (A) If a child is adjudicated ~~an abused,~~ 13334
~~neglected, or dependent~~ a child in need of protective services, 13335
the court may make any of the following orders of disposition: 13336

(1) Place the child in protective supervision; 13337

(2) Commit the child to the temporary custody of any of 13338
the following: 13339

(a) A public children services agency; 13340

(b) A private child placing agency; 13341

(c) Either parent; 13342

(d) A relative residing within or outside the state; 13343

(e) A probation officer for placement in a certified 13344
foster home; 13345

(f) Any other person approved by the court. 13346

(3) Award legal custody of the child to either parent or 13347
to any other person who, prior to the dispositional hearing, 13348
files a motion requesting legal custody of the child or is 13349
identified as a proposed legal custodian in a complaint or 13350
motion filed prior to the dispositional hearing by any party to 13351
the proceedings. A person identified in a complaint or motion 13352
filed by a party to the proceedings as a proposed legal 13353
custodian shall be awarded legal custody of the child only if 13354
the person identified signs a statement of understanding for 13355
legal custody that contains at least the following provisions: 13356

(a) That it is the intent of the person to become the 13357
legal custodian of the child and the person is able to assume 13358
legal responsibility for the care and supervision of the child; 13359

(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is excused from such an education under standards adopted by the department of education and workforce, whichever occurs first.

(c) That the parents of the child have residual parental rights, privileges, and responsibilities, including, but not limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support;

(d) That the person understands that the person must be present in court for the dispositional hearing in order to affirm the person's intention to become legal custodian, to affirm that the person understands the effect of the custodianship before the court, and to answer any questions that the court or any parties to the case may have.

(4) Commit the child to the permanent custody of a public children services agency or private child placing agency, if the court determines in accordance with division (E) of section

2151.414 of the Revised Code that the child cannot be placed 13390
with one of the child's parents within a reasonable time or 13391
should not be placed with either parent and determines in 13392
accordance with division (D) (1) of section 2151.414 of the 13393
Revised Code that the permanent commitment is in the best 13394
interest of the child. If the court grants permanent custody 13395
under this division, the court, upon the request of any party, 13396
shall file a written opinion setting forth its findings of fact 13397
and conclusions of law in relation to the proceeding. 13398

(5) Place the child in a planned permanent living 13399
arrangement with a public children services agency or private 13400
child placing agency, if a public children services agency or 13401
private child placing agency requests the court to place the 13402
child in a planned permanent living arrangement and if the court 13403
finds, by clear and convincing evidence, that a planned 13404
permanent living arrangement is in the best interest of the 13405
child, that the child is sixteen years of age or older, and that 13406
one of the following exists: 13407

(a) The child, because of physical, mental, or 13408
psychological problems or needs, is unable to function in a 13409
family-like setting and must remain in residential or 13410
institutional care now and for the foreseeable future beyond the 13411
date of the dispositional hearing held pursuant to section 13412
2151.35 of the Revised Code. 13413

(b) The parents of the child have significant physical, 13414
mental, or psychological problems and are unable to care for the 13415
child because of those problems, adoption is not in the best 13416
interest of the child, as determined in accordance with division 13417
(D) (1) of section 2151.414 of the Revised Code, and the child 13418
retains a significant and positive relationship with a parent or 13419

relative. 13420

(c) The child has been counseled on the permanent 13421
placement options available to the child, and is unwilling to 13422
accept or unable to adapt to a permanent placement. 13423

(6) Order the removal from the child's home until further 13424
order of the court of the person who committed abuse ~~as~~ 13425
~~described in section 2151.031 of the Revised Code against the~~ 13426
~~child,~~ who caused or allowed the child to suffer neglect ~~as~~ 13427
~~described in section 2151.03 of the Revised Code,~~ or who is the 13428
parent, guardian, or custodian of a child who is adjudicated a 13429
~~dependent child~~ in need of protective services and order any 13430
person not to have contact with the child or the child's 13431
siblings. 13432

(B) (1) When making a determination on whether to place a 13433
child in a planned permanent living arrangement pursuant to 13434
division (A) (5) (b) or (c) of this section, the court shall 13435
consider all relevant information that has been presented to the 13436
court, including information gathered from the child, the 13437
child's guardian ad litem, and the public children services 13438
agency or private child placing agency. 13439

(2) A child who is placed in a planned permanent living 13440
arrangement pursuant to division (A) (5) (b) or (c) of this 13441
section shall be placed in an independent living setting or in a 13442
family setting in which the caregiver has been provided by the 13443
agency that has custody of the child with a notice that 13444
addresses the following: 13445

(a) The caregiver understands that the planned permanent 13446
living arrangement is intended to be permanent in nature and 13447
that the caregiver will provide a stable placement for the child 13448

through the child's emancipation or until the court releases the 13449
child from the custody of the agency, whichever occurs first. 13450

(b) The caregiver is expected to actively participate in 13451
the youth's independent living case plan, attend agency team 13452
meetings and court hearings as appropriate, complete training, 13453
as developed and implemented under section 5103.035 of the 13454
Revised Code, related to providing the child independent living 13455
services, and assist in the child's transition into adulthood. 13456

(3) The department of children and youth shall develop a 13457
model notice to be provided by an agency that has custody of a 13458
child to a caregiver under division (B)(2) of this section. The 13459
agency may modify the model notice to apply to the needs of the 13460
agency. 13461

(C) No order for permanent custody or temporary custody of 13462
a child or the placement of a child in a planned permanent 13463
living arrangement shall be made pursuant to this section unless 13464
the complaint alleging the ~~abuse, neglect, or dependency act or~~ 13465
situation causing a child to be a child in need of protective 13466
services contains a prayer requesting permanent custody, 13467
temporary custody, or the placement of the child in a planned 13468
permanent living arrangement as desired, the summons served on 13469
the parents of the child contains as is appropriate a full 13470
explanation that the granting of an order for permanent custody 13471
permanently divests them of their parental rights, a full 13472
explanation that an adjudication that the child is ~~an abused,~~ 13473
~~neglected, or dependent~~ a child in need of protective services 13474
may result in an order of temporary custody that will cause the 13475
removal of the child from their legal custody until the court 13476
terminates the order of temporary custody or permanently divests 13477
the parents of their parental rights, or a full explanation that 13478

the granting of an order for a planned permanent living 13479
arrangement will result in the removal of the child from their 13480
legal custody if any of the conditions listed in divisions (A) 13481
(5) (a) to (c) of this section are found to exist, and the 13482
summons served on the parents contains a full explanation of 13483
their right to be represented by counsel and to have counsel 13484
appointed pursuant to Chapter 120. of the Revised Code if they 13485
are indigent. 13486

If after making disposition as authorized by division (A) 13487
(2) of this section, a motion is filed that requests permanent 13488
custody of the child, the court may grant permanent custody of 13489
the child to the movant in accordance with section 2151.414 of 13490
the Revised Code. 13491

(D) If the court issues an order for protective 13492
supervision pursuant to division (A) (1) of this section, the 13493
court may place any reasonable restrictions upon the child, the 13494
child's parents, guardian, or custodian, or any other person, 13495
including, but not limited to, any of the following: 13496

(1) Order a party, within forty-eight hours after the 13497
issuance of the order, to vacate the child's home indefinitely 13498
or for a specified period of time; 13499

(2) Order a party, a parent of the child, or a physical 13500
custodian of the child to prevent any particular person from 13501
having contact with the child; 13502

(3) Issue an order restraining or otherwise controlling 13503
the conduct of any person which conduct would not be in the best 13504
interest of the child. 13505

(E) As part of its dispositional order, the court shall 13506
journalize a case plan for the child. The journalized case plan 13507

shall not be changed except as provided in section 2151.412 of 13508
the Revised Code. 13509

(F) (1) The court shall retain jurisdiction over any child 13510
for whom the court issues an order of disposition pursuant to 13511
division (A) of this section or pursuant to section 2151.414 or 13512
2151.415 of the Revised Code until the child attains the age of 13513
eighteen years if the child does not have a developmental 13514
disability or physical impairment, the child attains the age of 13515
twenty-one years if the child has a developmental disability or 13516
physical impairment, or the child is adopted and a final decree 13517
of adoption is issued, except that the court may retain 13518
jurisdiction over the child and continue any order of 13519
disposition under division (A) of this section or under section 13520
2151.414 or 2151.415 of the Revised Code for a specified period 13521
of time to enable the child to graduate from high school or 13522
vocational school. The court shall make an entry continuing its 13523
jurisdiction under this division in the journal. 13524

(2) Any public children services agency, any private child 13525
placing agency, the department of children and youth, or any 13526
party, other than any parent whose parental rights with respect 13527
to the child have been terminated pursuant to an order issued 13528
under division (A) (4) of this section, by filing a motion with 13529
the court, may at any time request the court to modify or 13530
terminate any order of disposition issued pursuant to division 13531
(A) of this section or section 2151.414 or 2151.415 of the 13532
Revised Code. The court shall hold a hearing upon the motion as 13533
if the hearing were the original dispositional hearing and shall 13534
give all parties to the action and the guardian ad litem notice 13535
of the hearing pursuant to the Juvenile Rules. If applicable, 13536
the court shall comply with section 2151.42 of the Revised Code. 13537

(G) Any temporary custody order issued pursuant to 13538
division (A) of this section shall terminate one year after the 13539
earlier of the date on which the complaint in the case was filed 13540
or the child was first placed into shelter care, except that, 13541
upon the filing of a motion pursuant to section 2151.415 of the 13542
Revised Code, the temporary custody order shall continue and not 13543
terminate until the court issues a dispositional order under 13544
that section. In resolving the motion, the court shall not order 13545
an existing temporary custody order to continue beyond two years 13546
after the date on which the complaint was filed or the child was 13547
first placed into shelter care, whichever date is earlier, 13548
regardless of whether any extensions have been previously 13549
ordered pursuant to division (D) of section 2151.415 of the 13550
Revised Code. 13551

(H) (1) No later than one year after the earlier of the 13552
date the complaint in the case was filed or the child was first 13553
placed in shelter care, a party may ask the court to extend an 13554
order for protective supervision for six months or to terminate 13555
the order. A party requesting extension or termination of the 13556
order shall file a written request for the extension or 13557
termination with the court and give notice of the proposed 13558
extension or termination in writing before the end of the day 13559
after the day of filing it to all parties and the child's 13560
guardian ad litem. If a public children services agency or 13561
private child placing agency requests termination of the order, 13562
the agency shall file a written status report setting out the 13563
facts supporting termination of the order at the time it files 13564
the request with the court. If no party requests extension or 13565
termination of the order, the court shall notify the parties 13566
that the court will extend the order for six months or terminate 13567
it and that it may do so without a hearing unless one of the 13568

parties requests a hearing. All parties and the guardian ad litem shall have seven days from the date a notice is sent pursuant to this division to object to and request a hearing on the proposed extension or termination.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall extend the order for six months.

(b) If it does not receive a timely request for a hearing, the court may extend the order for six months or terminate it without a hearing and shall journalize the order of extension or termination not later than fourteen days after receiving the request for extension or termination or after the date the court notifies the parties that it will extend or terminate the order. If the court does not extend or terminate the order, it shall schedule a hearing to be held no later than thirty days after the expiration of the applicable fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the child's guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall issue an order extending the order for protective supervision six months.

(2) If the court grants an extension of the order for protective supervision pursuant to division (H) (1) of this section, a party may, prior to termination of the extension, file with the court a request for an additional extension of six months or for termination of the order. The court and the parties shall comply with division (H) (1) of this section with respect to extending or terminating the order.

(3) If a court grants an extension pursuant to division (H) (2) of this section, the court shall terminate the order for protective supervision at the end of the extension.

(I) The court shall not issue a dispositional order pursuant to division (A) of this section that removes a child from the child's home unless the court complies with section 2151.419 of the Revised Code and includes in the dispositional order the findings of fact required by that section.

(J) If a motion or application for an order described in division (A) (6) of this section is made, the court shall not issue the order unless, prior to the issuance of the order, it provides to the person all of the following:

(1) Notice and a copy of the motion or application;

(2) The grounds for the motion or application;

(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;

(4) An opportunity to be represented by counsel at the hearing.

(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the

latest further action subsequent to the award, if the court 13628
awards legal custody of a child to either of the following: 13629

(1) A legal custodian who, at the time of the award of 13630
legal custody, resides in a county of this state other than the 13631
county in which the court is located; 13632

(2) A legal custodian who resides in the county in which 13633
the court is located at the time of the award of legal custody, 13634
but moves to a different county of this state prior to one year 13635
after the date of the award or, if the court takes any further 13636
action in the matter subsequent to the award, one year after the 13637
date of the latest further action subsequent to the award. 13638

The court in the county in which the legal custodian 13639
resides then shall have jurisdiction in the matter. 13640

Sec. 2151.36. Except as provided in section 2151.361 of 13641
the Revised Code, when a child has been committed as provided by 13642
this chapter or Chapter 2152. of the Revised Code, the juvenile 13643
court shall issue an order pursuant to Chapters 3119., 3121., 13644
3123., and 3125. of the Revised Code requiring that the parent, 13645
guardian, or person charged with the child's support pay for the 13646
care, support, maintenance, and education of the child. The 13647
juvenile court shall order that the parents, guardian, or person 13648
pay for the expenses involved in providing orthopedic, medical, 13649
or surgical treatment for, or for special care of, the child, 13650
enter a judgment for the amount due, and enforce the judgment by 13651
execution as in the court of common pleas. 13652

Any expenses incurred for the care, support, maintenance, 13653
education, orthopedic, medical, or surgical treatment, and 13654
special care of a child who has a legal settlement in another 13655
county shall be at the expense of the county of legal settlement 13656

if the consent of the juvenile judge of the county of legal 13657
settlement is first obtained. When the consent is obtained, the 13658
board of county commissioners of the county in which the child 13659
has a legal settlement shall reimburse the committing court for 13660
the expenses out of its general fund. If the department of 13661
children and youth considers it to be in the best interest of 13662
any delinquent, ~~dependent, or unruly, abused, or neglected~~ 13663
child or child in need of protective services who has a legal 13664
settlement in a foreign state or country that the child be 13665
returned to the state or country of legal settlement, the 13666
juvenile court may commit the child to the department for the 13667
child's return to that state or country. 13668

Any expenses ordered by the court for the care, support, 13669
maintenance, education, orthopedic, medical, or surgical 13670
treatment, or special care of a ~~dependent, neglected, abused,~~ 13671
child in need of protective services or an unruly, or delinquent 13672
child or of a juvenile traffic offender under this chapter or 13673
Chapter 2152. of the Revised Code, except the part of the 13674
expense that may be paid by the state or federal government or 13675
paid by the parents, guardians, or person charged with the 13676
child's support pursuant to this section, shall be paid from the 13677
county treasury upon specifically itemized vouchers, certified 13678
to by the judge. The court shall not be responsible for any 13679
expenses resulting from the commitment of children to any home, 13680
public children services agency, private child placing agency, 13681
or other institution, association, or agency, unless the court 13682
authorized the expenses at the time of commitment. 13683

Sec. 2151.412. (A) Each public children services agency 13684
and private child placing agency shall prepare and maintain a 13685
case plan for any child to whom the agency is providing services 13686
and to whom any of the following applies: 13687

(1) The agency filed a complaint pursuant to section 13688
2151.27 of the Revised Code alleging that the child is ~~an~~ 13689
~~abused, neglected, or dependent~~ a child in need of protective 13690
services; 13691

(2) The agency has temporary or permanent custody of the 13692
child; 13693

(3) The child is living at home subject to an order for 13694
protective supervision; 13695

(4) The child is in a planned permanent living 13696
arrangement. 13697

Except as provided by division (A) (2) of section 5103.153 13698
of the Revised Code, a private child placing agency providing 13699
services to a child who is the subject of a voluntary permanent 13700
custody surrender agreement entered into under division (B) (2) 13701
of section 5103.15 of the Revised Code is not required to 13702
prepare and maintain a case plan for that child. 13703

(B) Each public children services agency shall prepare and 13704
maintain a case plan for any child for whom the agency is 13705
providing in-home services pursuant to an alternative response. 13706

(C) (1) The director of children and youth shall adopt 13707
rules pursuant to Chapter 119. of the Revised Code setting forth 13708
the content and format of case plans required by division (A) of 13709
this section and establishing procedures for developing, 13710
implementing, and changing the case plans. The rules shall at a 13711
minimum comply with the requirements of Title IV-E of the 13712
"Social Security Act," 42 U.S.C. 670, et seq. (1980). 13713

(2) The director of children and youth shall adopt rules 13714
pursuant to Chapter 119. of the Revised Code requiring public 13715
children services agencies and private child placing agencies to 13716

maintain case plans for children and their families who are 13717
receiving services in their homes from the agencies and for whom 13718
case plans are not required by division (A) of this section. The 13719
rules for public children services agencies shall include the 13720
requirements for case plans maintained for children and their 13721
families who are receiving services in their homes from public 13722
children services agencies pursuant to an alternative response. 13723
The agencies shall maintain case plans as required by those 13724
rules; however, the case plans shall not be subject to any other 13725
provision of this section except as specifically required by the 13726
rules. 13727

(D) Each public children services agency and private child 13728
placing agency that is required by division (A) of this section 13729
to maintain a case plan shall file the case plan with the court 13730
prior to the child's adjudicatory hearing but no later than 13731
thirty days after the earlier of the date on which the complaint 13732
in the case was filed or the child was first placed into shelter 13733
care. If the agency does not have sufficient information prior 13734
to the adjudicatory hearing to complete any part of the case 13735
plan, the agency shall specify in the case plan the additional 13736
information necessary to complete each part of the case plan and 13737
the steps that will be taken to obtain that information. All 13738
parts of the case plan shall be completed by the earlier of 13739
thirty days after the adjudicatory hearing or the date of the 13740
dispositional hearing for the child. 13741

(E) Any agency that is required by division (A) of this 13742
section to prepare a case plan shall attempt to obtain an 13743
agreement among all parties, including, but not limited to, the 13744
parents, guardian, or custodian of the child and the guardian ad 13745
litem of the child regarding the content of the case plan. If 13746
all parties agree to the content of the case plan and the court 13747

approves it, the court shall journalize it as part of its 13748
dispositional order. If the agency cannot obtain an agreement 13749
upon the contents of the case plan or the court does not approve 13750
it, the parties shall present evidence on the contents of the 13751
case plan at the dispositional hearing. The court, based upon 13752
the evidence presented at the dispositional hearing and the best 13753
interest of the child, shall determine the contents of the case 13754
plan and journalize it as part of the dispositional order for 13755
the child. 13756

(F) (1) All parties, including the parents, guardian, or 13757
custodian of the child, are bound by the terms of the 13758
journalized case plan. A party that fails to comply with the 13759
terms of the journalized case plan may be held in contempt of 13760
court. 13761

(2) Any party may propose a change to a substantive part 13762
of the case plan, including, but not limited to, the child's 13763
placement and the visitation rights of any party. A party 13764
proposing a change to the case plan shall file the proposed 13765
change with the court and give notice of the proposed change in 13766
writing before the end of the day after the day of filing it to 13767
all parties and the child's guardian ad litem. All parties and 13768
the guardian ad litem shall have seven days from the date the 13769
notice is sent to object to and request a hearing on the 13770
proposed change. 13771

(a) If it receives a timely request for a hearing, the 13772
court shall schedule a hearing pursuant to section 2151.417 of 13773
the Revised Code to be held no later than thirty days after the 13774
request is received by the court. The court shall give notice of 13775
the date, time, and location of the hearing to all parties and 13776
the guardian ad litem. The agency may implement the proposed 13777

change after the hearing, if the court approves it. The agency 13778
shall not implement the proposed change unless it is approved by 13779
the court. 13780

(b) If it does not receive a timely request for a hearing, 13781
the court may approve the proposed change without a hearing. If 13782
the court approves the proposed change without a hearing, it 13783
shall journalize the case plan with the change not later than 13784
fourteen days after the change is filed with the court. If the 13785
court does not approve the proposed change to the case plan, it 13786
shall schedule a hearing to be held pursuant to section 2151.417 13787
of the Revised Code no later than thirty days after the 13788
expiration of the fourteen-day time period and give notice of 13789
the date, time, and location of the hearing to all parties and 13790
the guardian ad litem of the child. If, despite the requirements 13791
of division (F)(2) of this section, the court neither approves 13792
and journalizes the proposed change nor conducts a hearing, the 13793
agency may implement the proposed change not earlier than 13794
fifteen days after it is submitted to the court. 13795

(3) If an agency has reasonable cause to believe that a 13796
child is suffering from illness or injury and is not receiving 13797
proper care and that an appropriate change in the child's case 13798
plan is necessary to prevent immediate or threatened physical or 13799
emotional harm, to believe that a child is in immediate danger 13800
from the child's surroundings and that an immediate change in 13801
the child's case plan is necessary to prevent immediate or 13802
threatened physical or emotional harm to the child, or to 13803
believe that a parent, guardian, custodian, or other member of 13804
the child's household has abused or neglected the child and that 13805
the child is in danger of immediate or threatened physical or 13806
emotional harm from that person unless the agency makes an 13807
appropriate change in the child's case plan, it may implement 13808

the change without prior agreement or a court hearing and, 13809
before the end of the next day after the change is made, give 13810
all parties, the guardian ad litem of the child, and the court 13811
notice of the change. Before the end of the third day after 13812
implementing the change in the case plan, the agency shall file 13813
a statement of the change with the court and give notice of the 13814
filing accompanied by a copy of the statement to all parties and 13815
the guardian ad litem. All parties and the guardian ad litem 13816
shall have ten days from the date the notice is sent to object 13817
to and request a hearing on the change. 13818

(a) If it receives a timely request for a hearing, the 13819
court shall schedule a hearing pursuant to section 2151.417 of 13820
the Revised Code to be held no later than thirty days after the 13821
request is received by the court. The court shall give notice of 13822
the date, time, and location of the hearing to all parties and 13823
the guardian ad litem. The agency shall continue to administer 13824
the case plan with the change after the hearing, if the court 13825
approves the change. If the court does not approve the change, 13826
the court shall make appropriate changes to the case plan and 13827
shall journalize the case plan. 13828

(b) If it does not receive a timely request for a hearing, 13829
the court may approve the change without a hearing. If the court 13830
approves the change without a hearing, it shall journalize the 13831
case plan with the change within fourteen days after receipt of 13832
the change. If the court does not approve the change to the case 13833
plan, it shall schedule a hearing under section 2151.417 of the 13834
Revised Code to be held no later than thirty days after the 13835
expiration of the fourteen-day time period and give notice of 13836
the date, time, and location of the hearing to all parties and 13837
the guardian ad litem of the child. 13838

(G) (1) All case plans for children in temporary custody 13839
shall have the following general goals: 13840

(a) Consistent with the best interest and special needs of 13841
the child, to achieve a safe out-of-home placement in the least 13842
restrictive, most family-like setting available and in close 13843
proximity to the home from which the child was removed or the 13844
home in which the child will be permanently placed; 13845

(b) To eliminate with all due speed the need for the out- 13846
of-home placement so that the child can safely return home. 13847

(2) The director of children and youth shall adopt rules 13848
pursuant to Chapter 119. of the Revised Code setting forth the 13849
general goals of case plans for children subject to 13850
dispositional orders for protective supervision, a planned 13851
permanent living arrangement, or permanent custody. 13852

(H) In the agency's development of a case plan and the 13853
court's review of the case plan, the child's health and safety 13854
shall be the paramount concern. The agency and the court shall 13855
be guided by the following general priorities: 13856

(1) A child who is residing with or can be placed with the 13857
child's parents within a reasonable time should remain in their 13858
legal custody even if an order of protective supervision is 13859
required for a reasonable period of time; 13860

(2) If both parents of the child have abandoned the child, 13861
have relinquished custody of the child, have become incapable of 13862
supporting or caring for the child even with reasonable 13863
assistance, or have a detrimental effect on the health, safety, 13864
and best interest of the child, the child should be placed in 13865
the legal custody of a suitable member of the child's extended 13866
family; 13867

(3) If a child described in division (H) (2) of this section has no suitable member of the child's extended family to accept legal custody, the child should be placed in the legal custody of a suitable nonrelative who shall be made a party to the proceedings after being given legal custody of the child;

(4) If the child has no suitable member of the child's extended family to accept legal custody of the child and no suitable nonrelative is available to accept legal custody of the child and, if the child temporarily cannot or should not be placed with the child's parents, guardian, or custodian, the child should be placed in the temporary custody of a public children services agency or a private child placing agency;

(5) If the child cannot be placed with either of the child's parents within a reasonable period of time or should not be placed with either, if no suitable member of the child's extended family or suitable nonrelative is available to accept legal custody of the child, and if the agency has a reasonable expectation of placing the child for adoption, the child should be committed to the permanent custody of the public children services agency or private child placing agency;

(6) If the child is to be placed for adoption or foster care, the placement shall not be delayed or denied on the basis of the child's or adoptive or foster family's race, color, or national origin.

(I) The case plan for a child in temporary custody shall include at a minimum the following requirements if the child is or has been the victim of abuse or neglect or if the child witnessed the commission in the child's household of abuse or neglect against a sibling of the child, a parent of the child, or any other person in the child's household:

(1) A requirement that the child's parents, guardian, or
custodian participate in mandatory counseling; 13898
13899

(2) A requirement that the child's parents, guardian, or
custodian participate in any supportive services that are 13900
13901
required by or provided pursuant to the child's case plan. 13902

(J) (1) Prior to January 1, 2023, a case plan for a child 13903
in temporary custody may include, as a supplement, a plan for 13904
locating a permanent family placement. The supplement shall not 13905
be considered part of the case plan for purposes of division (E) 13906
of this section. 13907

(2) On and after January 1, 2023, a case plan for a child 13908
in temporary custody shall include a permanency plan for the 13909
child unless it is documented that such a plan would not be in 13910
the best interest of the child. The permanency plan shall 13911
describe the services the agency shall provide to achieve 13912
permanency for the child if reasonable efforts to return the 13913
child to the child's home, or eliminate the continued removal 13914
from that home, are unsuccessful. Those services shall be 13915
provided concurrently with reasonable efforts to return the 13916
child home or eliminate the child's continued removal from home. 13917

(3) The director of children and youth, pursuant to 13918
Chapter 119. of the Revised Code, shall adopt rules necessary to 13919
carry out the purposes of division (J) of this section. 13920

(K) (1) A public children services agency may request that 13921
the superintendent of the bureau of criminal identification and 13922
investigation conduct a criminal records check with respect to a 13923
parent, guardian, custodian, prospective custodian, or 13924
prospective placement whose actions result in a finding after 13925
the filing of a complaint as described in division (A) (1) of 13926

this section that a child is ~~an abused, neglected, or dependent~~ 13927
a child in need of protective services. The public children 13928
services agency shall request that the superintendent obtain 13929
information from the federal bureau of investigation as part of 13930
the criminal records check. 13931

(2) At any time on or after the date that is ninety days 13932
after September 10, 2012, a prosecuting attorney, or an 13933
assistant prosecuting attorney appointed under section 309.06 of 13934
the Revised Code, may request that the superintendent of the 13935
bureau of criminal identification and investigation conduct a 13936
criminal records check with respect to each parent, guardian, 13937
custodian, prospective custodian, or prospective placement whose 13938
actions resulted in a finding after the filing of a complaint 13939
described in division (A) (1) of this section that a child is ~~an~~ 13940
~~abused, neglected, or dependent~~ a child in need of protective 13941
services. Each prosecuting attorney or assistant prosecuting 13942
attorney who makes such a request shall request that the 13943
superintendent obtain information from the federal bureau of 13944
investigation as part of the criminal records check for each 13945
parent, guardian, custodian, prospective custodian, or 13946
prospective placement who is a subject of the request. 13947

(3) A public children services agency, prosecuting 13948
attorney, or assistant prosecuting attorney that requests a 13949
criminal records check under division (K) (1) or (2) of this 13950
section shall do both of the following: 13951

(a) Provide to each parent, guardian, custodian, 13952
prospective custodian, or prospective placement for whom a 13953
criminal records check is requested a copy of the form 13954
prescribed pursuant to division (C) (1) of section 109.572 of the 13955
Revised Code and a standard fingerprint impression sheet 13956

prescribed pursuant to division (C) (2) of that section and 13957
obtain the completed form and impression sheet from the parent, 13958
guardian, custodian, prospective custodian, or prospective 13959
placement; 13960

(b) Forward the completed form and impression sheet to the 13961
superintendent of the bureau of criminal identification and 13962
investigation. 13963

(4) A parent, guardian, custodian, prospective custodian, 13964
or prospective placement who is given a form and fingerprint 13965
impression sheet under division (K) (3) (a) of this section and 13966
who fails to complete the form or provide fingerprint 13967
impressions may be held in contempt of court. 13968

Sec. 5103.04. No association whose object embraces the 13969
care of ~~dependent, neglected, abused,~~ children in need of 13970
protective services or delinquent children, or the placing of 13971
such children in private homes, shall be incorporated unless the 13972
proposed articles of incorporation have been submitted first to 13973
the department of children and youth. The secretary of state 13974
shall not issue a certificate of incorporation to such 13975
association until there is filed in the secretary of state's 13976
office the certificate of the department that it has examined 13977
the articles of incorporation, that in its judgment the 13978
incorporators are reputable and respectable persons, the 13979
proposed work is needed, and the incorporation of such 13980
association is desirable and for the public good. 13981

Amendments proposed to the articles of incorporation of 13982
any such association shall be submitted in like manner to the 13983
department, and the secretary of state shall not record such 13984
amendment or issue a certificate therefor until there is filed 13985
in the secretary of state's office the certificate of the 13986

department that it has examined such amendment, that the 13987
association in question is performing in good faith the work 13988
undertaken by it, and that such amendment is a proper one, and 13989
for the public good. 13990

Sec. 5153.122. Each PCSA caseworker hired after January 1, 13991
2007, shall complete in-service training during the first year 13992
of the caseworker's continuous employment as a PCSA caseworker, 13993
except that the executive director of the public children 13994
services agency may waive the training requirement for a school 13995
of social work graduate who participated in the university 13996
partnership program described in division (E) of section 13997
5101.141 of the Revised Code and as provided in section 5153.124 13998
of the Revised Code. The training shall consist of courses in 13999
all of the following: 14000

(A) Recognizing, accepting reports of, and preventing acts 14001
or situations causing child abuse, or neglect, and dependency 14002
for a child to be a child in need of protective services; 14003

(B) Assessing child safety; 14004

(C) Assessing risks; 14005

(D) Interviewing persons; 14006

(E) Investigating cases; 14007

(F) Intervening; 14008

(G) Providing services to children and their families; 14009

(H) The importance of and need for accurate data; 14010

(I) Preparation for court; 14011

(J) Maintenance of case record information; 14012

(K) The legal duties of PCSA caseworkers to protect the 14013

constitutional and statutory rights of children and families 14014
from the initial time of contact during investigation through 14015
treatment, including instruction regarding parents' rights and 14016
the limitations that the Fourth Amendment to the United States 14017
Constitution places upon caseworkers and their investigations; 14018

(L) Content on other topics relevant to acts or situations 14019
causing child abuse, or neglect, and dependency or for a child to 14020
be a child in need of protective services, including permanency 14021
strategies, concurrent planning, and adoption as an option for 14022
unintended pregnancies. 14023

After a PCSA caseworker's first year of continuous 14024
employment as a PCSA caseworker, the caseworker annually shall 14025
complete thirty-six hours of training in areas relevant to the 14026
caseworker's assigned duties. 14027

During the first two years of continuous employment as a 14028
PCSA caseworker, each PCSA caseworker shall complete training in 14029
recognizing the signs of domestic violence and its relationship 14030
to child abuse as established in rules the director of children 14031
and youth shall adopt pursuant to Chapter 119. of the Revised 14032
Code. 14033

Sec. 5153.123. Each PCSA caseworker supervisor shall 14034
complete in-service training during the first year of the 14035
supervisor's continuous employment as a PCSA caseworker 14036
supervisor. The training shall include courses in screening 14037
reports of child abuse, or neglect, or dependency acts or 14038
situations causing a child to be in need of protective services. 14039
After a PCSA caseworker supervisor's first year of continuous 14040
employment as a PCSA caseworker supervisor, the supervisor 14041
annually shall complete thirty hours of training in areas 14042
relevant to the supervisor's assigned duties. During the first 14043

two years of continuous employment as a PCSA caseworker 14044
supervisor, each PCSA caseworker supervisor shall complete 14045
training in recognizing the signs of domestic violence and its 14046
relationship to child abuse as established in rules the director 14047
of children and youth shall adopt pursuant to Chapter 119. of 14048
the Revised Code. 14049

Sec. 5153.16. (A) Except as provided in section 2151.422 14050
of the Revised Code, in accordance with rules adopted under 14051
section 5153.166 of the Revised Code, and on behalf of children 14052
in the county whom the public children services agency considers 14053
to be in need of public care or protective services, the public 14054
children services agency shall do all of the following: 14055

(1) Make an investigation concerning any child alleged to 14056
be ~~an abused, or neglected, or dependent~~ a child in need of 14057
protective services; 14058

(2) Enter into agreements with the parent, guardian, or 14059
other person having legal custody of any child, or with the 14060
department of children and youth, department of mental health 14061
and addiction services, department of developmental 14062
disabilities, other department, any certified organization 14063
within or outside the county, or any agency or institution 14064
outside the state, having legal custody of any child, with 14065
respect to the custody, care, or placement of any child, or with 14066
respect to any matter, in the interests of the child, provided 14067
the permanent custody of a child shall not be transferred by a 14068
parent to the public children services agency without the 14069
consent of the juvenile court; 14070

(3) Enter into a contract with an agency providing 14071
prevention services in an effort to prevent neglect or abuse, to 14072
enhance a child's welfare, and to preserve the family unit 14073

intact. 14074

(4) Accept custody of children committed to the public 14075
children services agency by a court exercising juvenile 14076
jurisdiction; 14077

(5) Provide such care as the public children services 14078
agency considers to be in the best interests of any child 14079
adjudicated to be an abused, or neglected, child or ~~dependent~~ a 14080
child in need of protective services the agency finds to be in 14081
need of public care or service; 14082

(6) Provide social services to any unmarried girl 14083
adjudicated to be ~~an~~ abused, or neglected, or ~~dependent~~ a child 14084
in need of protective services who is pregnant with or has been 14085
delivered of a child; 14086

(7) Make available to the children with medical handicaps 14087
program of the department of health at its request any 14088
information concerning a child with a disability found to be in 14089
need of treatment under sections 3701.021 to 3701.028 of the 14090
Revised Code who is receiving services from the public children 14091
services agency; 14092

(8) Provide temporary emergency care for any child 14093
considered by the public children services agency to be in need 14094
of such care, without agreement or commitment; 14095

(9) Find certified foster homes, within or outside the 14096
county, for the care of children, including children with 14097
disabilities from other counties attending special schools in 14098
the county; 14099

(10) Subject to the approval of the board of county 14100
commissioners and the department of children and youth, 14101
establish and operate a training school or enter into an 14102

agreement with any municipal corporation or other political 14103
subdivision of the county respecting the operation, acquisition, 14104
or maintenance of any children's home, training school, or other 14105
institution for the care of children maintained by such 14106
municipal corporation or political subdivision; 14107

(11) Acquire and operate a county children's home, 14108
establish, maintain, and operate a receiving home for the 14109
temporary care of children, or procure certified foster homes 14110
for this purpose; 14111

(12) Enter into an agreement with the trustees of any 14112
district children's home, respecting the operation of the 14113
district children's home in cooperation with the other county 14114
boards in the district; 14115

(13) Cooperate with, make its services available to, and 14116
act as the agent of persons, courts, the department of children 14117
and youth, the department of health, and other organizations 14118
within and outside the state, in matters relating to the welfare 14119
of children, except that the public children services agency 14120
shall not be required to provide supervision of or other 14121
services related to the exercise of parenting time rights 14122
granted pursuant to section 3109.051 or 3109.12 of the Revised 14123
Code or companionship or visitation rights granted pursuant to 14124
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 14125
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 14126
or a common pleas court, pursuant to division (E)(6) of section 14127
3113.31 of the Revised Code, requires the provision of 14128
supervision or other services related to the exercise of the 14129
parenting time rights or companionship or visitation rights; 14130

(14) Make investigations at the request of any 14131
superintendent of schools in the county or the principal of any 14132

school concerning the application of any child adjudicated to be 14133
~~an abused, neglected, or dependent~~ a child in need of protective 14134
services for release from school, where such service is not 14135
provided through a school attendance department; 14136

(15) Administer funds provided under Title IV-E of the 14137
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 14138
amended, in accordance with rules adopted under section 5101.141 14139
of the Revised Code; 14140

(16) In addition to administering Title IV-E adoption 14141
assistance funds, enter into agreements to make adoption 14142
assistance payments under section 5153.163 of the Revised Code; 14143

(17) Implement a system of safety and risk assessment, in 14144
accordance with rules adopted by the director of children and 14145
youth, to assist the public children services agency in 14146
determining the risk of abuse or neglect to a child; 14147

(18) Enter into a plan of cooperation with the board of 14148
county commissioners under section 307.983 of the Revised Code 14149
and comply with each fiscal agreement the board enters into 14150
under section 307.98 of the Revised Code that include family 14151
services duties of public children services agencies and 14152
contracts the board enters into under sections 307.981 and 14153
307.982 of the Revised Code that affect the public children 14154
services agency; 14155

(19) Make reasonable efforts to prevent the removal of an 14156
alleged or adjudicated ~~abused, neglected, or dependent~~ child in 14157
need of protective services from the child's home, eliminate the 14158
continued removal of the child from the child's home, or make it 14159
possible for the child to return home safely, except that 14160
reasonable efforts of that nature are not required when a court 14161

has made a determination under division (A) (2) of section 14162
2151.419 of the Revised Code; 14163

(20) Make reasonable efforts to place the child in a 14164
timely manner in accordance with the permanency plan approved 14165
under division (E) of section 2151.417 of the Revised Code and 14166
to complete whatever steps are necessary to finalize the 14167
permanent placement of the child; 14168

(21) Administer a Title IV-A program identified under 14169
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 14170
that the department of children and youth provides for the 14171
public children services agency to administer under the 14172
department's supervision pursuant to section 5101.801 of the 14173
Revised Code; 14174

(22) Administer the kinship permanency incentive program 14175
created under section 5101.802 of the Revised Code under the 14176
supervision of the director of children and youth; 14177

(23) Provide independent living services pursuant to 14178
sections 2151.81 to 2151.84 of the Revised Code; 14179

(24) File a missing child report with a local law 14180
enforcement agency upon becoming aware that a child in the 14181
custody of the public children services agency is or may be 14182
missing. 14183

(B) The public children services agency shall use the 14184
system implemented pursuant to division (A) (17) of this section 14185
in connection with an investigation undertaken pursuant to 14186
division (G) (1) of section 2151.421 of the Revised Code to 14187
assess both of the following: 14188

(1) The ongoing safety of the child; 14189

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.	14190 14191 14192
(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of children and youth, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:	14193 14194 14195 14196 14197 14198
(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;	14199 14200 14201 14202 14203
(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:	14204 14205 14206
(i) County departments of job and family services;	14207
(ii) Boards of alcohol, drug addiction, and mental health services;	14208 14209
(iii) County boards of developmental disabilities;	14210
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	14211 14212
(v) Private and government providers of services;	14213
(vi) Managed care organizations and prepaid health plans.	14214
(b) A public children services agency contract under division (C) (2) (a) of this section regarding the agency's duties	14215 14216

under section 2151.421 of the Revised Code may not provide for 14217
the entity under contract with the agency to perform any service 14218
not authorized by the department's rules. 14219

(c) Only a county children services board appointed under 14220
section 5153.03 of the Revised Code that is a public children 14221
services agency may contract under division (C)(2)(a) of this 14222
section. If an entity specified in division (B) or (C) of 14223
section 5153.02 of the Revised Code is the public children 14224
services agency for a county, the board of county commissioners 14225
may enter into contracts pursuant to section 307.982 of the 14226
Revised Code regarding the agency's duties. 14227

Section 5. That the existing versions of sections 109.65, 14228
121.37, 2151.011, 2151.281, 2151.353, 2151.36, 2151.412, 14229
5103.04, 5153.122, 5153.123, and 5153.16 of the Revised Code 14230
scheduled to take effect January 1, 2025, are hereby repealed. 14231

Section 6. Sections 4 and 5 of this act take effect 14232
January 1, 2025. 14233

Section 7. The General Assembly, applying the principle 14234
stated in division (B) of section 1.52 of the Revised Code that 14235
amendments are to be harmonized if reasonably capable of 14236
simultaneous operation, finds that the following sections, 14237
presented in this act as composites of the sections as amended 14238
by the acts indicated, are the resulting versions of the 14239
sections in effect prior to the effective date of the sections 14240
as presented in this act: 14241

Section 2151.141 of the Revised Code as amended by both 14242
H.B. 412 and S.B. 179 of the 123rd General Assembly. 14243

Section 2151.23 of the Revised Code as amended by H.B. 14244
110, H.B. 281, H.B. 518, and S.B. 288, all of the 134th General 14245

Assembly.	14246
Section 2152.71 of the Revised Code as amended by both	14247
H.B. 247 and H.B. 393 of the 124th General Assembly.	14248
Section 2301.03 of the Revised Code as amended by both	14249
H.B. 33 and S.B. 21 of the 135th General Assembly and H.B. 518	14250
of the 134th General Assembly.	14251