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STATEMENT OF THE CASE AND FACTS

This cause arises from proceedings involving an interstate petition under the Uniform Interstate Family Support Act (the UIFSA), originating in Hawaii, which petition sought the establishment of a child support order against Adrienne Haunani Pula-Branch for K.G.P., a minor child born to unmarried parents. The support order was sought on behalf of Ruby K. Pula, the child's custodian and maternal grandmother.

After hearings were held in relation to the petition, a trial court magistrate issued a decision regarding the establishment of a current child support order. Appellant filed objections to the decision, challenging the manner in which the support order was calculated. The objections were overruled by the trial court in an entry approving the magistrate's decision and incorporating its terms into an order of the Court. (Appx. 14.)

Appellant CSEA appealed this order to the Eighth District Court of Appeals, challenging the Domestic Relations Court's failure to include appropriate income figures for both parents when calculating the current child support obligations. During the pendency of said appeal, the reviewing court sua sponte raised the issue of the Domestic Relations Court's jurisdiction over the underlying action. After briefing on the issue, the reviewing court announced its decision reversing and remanding the Domestic Relations Court's decision, with instructions that the lower court vacate its order for lack of subject matter jurisdiction over the action. *Pula v. Pula-Branch*, Cuyahoga App. No. 93460, 2010-Ohio-912. (Appx. 3.)

On March 22, 2010, Appellant filed a Motion for Reconsideration, which motion was denied on April 21, 2010. (Appx. 13.) On that same day the Eighth Appellate District journalized its decision in this matter. (Appx. 3.) Appellant then filed with the Eighth Appellate District a Motion to Stay Judgment, pending this Court's decision whether to exercise

jurisdiction. The Eighth Appellate District denied the Motion to Stay as moot. (Appx. 13.)

Appellant CSEA filed its notice of appeal to the Supreme Court of Ohio on June 4, 2010. (Appx. 1.) On September 29, 2010, the Supreme Court granted jurisdiction to hear the case and allowed the appeal.

Appellant also filed with this Court a Memorandum in Support of Jurisdiction and a Motion to Stay, which Motion was granted. Appellant further filed a Motion to Consolidate this matter with the similar case of *Pendergraft v. Watts*, Cuyahoga App. No. 93808, 2010-Ohio-3196, which case is pending before this Court as Case Number 2010-1340. The Motion to Consolidate was denied.

In reversing the judgment of the trial court in *Pula*, the Eighth Appellate District ruled that Cuyahoga County's Domestic Relations Court is without subject matter jurisdiction under the UIFSA to adjudicate interstate paternity and support cases not related to a divorce, dissolution of marriage, legal separation, or annulment; and for that reason, the reviewing court further found that the lower court's order, which involved an interstate case with a child born to unmarried parents, was void ab initio. *Pula*, 2010-Ohio-912 at ¶14. (Appx. 10-11.) The Eighth Appellate District reached its ultimate decision by relying on its interpretation of R.C. 2301.03(L)(1) as limiting the jurisdiction of the Domestic Relations Court to hearing cases under the UIFSA which were related to the four areas of divorce, dissolution of marriage, legal separation, or annulment.

This appeal asserts that, notwithstanding the holding of the Eighth Appellate District, Cuyahoga County's Domestic Relations Court possesses subject matter jurisdiction over the action in question, all similar actions under the UIFSA, and indeed all cases under the UIFSA.

In support of its position on these issues, the Appellant presents the following argument.

ARGUMENT

PROPOSITION OF LAW: An Interstate Action Brought in Ohio, with Ohio as the Responding State pursuant to the Uniform Interstate Family Support Act (UIFSA) and involving Non-married Parents, may be brought appropriately in the Domestic Relations Division of the Cuyahoga County Court of Common Pleas.

Appellant asserts that the decision of the reviewing court in the *Pula* case is erroneous and should be reversed based on relevant statutory and case law as examined within this Brief. When all relevant statutory and case law is considered in proper context, it becomes clear that the Domestic Relations Division of the Cuyahoga County Court of Common Pleas has proper subject matter jurisdiction under the UIFSA to handle all interstate cases, including those involving unmarried parents. Moreover, by granting the Domestic Relations Division all the powers over cases involving divorce and alimony, the two categories involved when the law was enacted originally, the legislative intent underlying the enactment of R.C. 2301.03(L) was not to limit the jurisdiction of the Domestic Relations Division, but instead to limit the power and jurisdiction of the General Division, which previously had jurisdiction over these matters.¹

HISTORICAL ANALYSIS

A historical review of the creation of the Cuyahoga County Domestic Relations Division and of the various versions of the Revised Code relating to interstate actions will assist in the consideration of the weighty issues before this honorable Court.

Creation of the Cuyahoga County Domestic Relations Division

Prior to the establishment of Cuyahoga County's Domestic Relations Court, all divorce and alimony matters were handled by the Court of Common Pleas' General Division, pursuant to

¹ When enacted, the language of R.C. 2301.03(L) included the two categories of divorce and alimony. R.C. 2301.03(L), eff. Oct. 20, 1959. (Appx. 19-26.) Later and current language of R.C. 2301.03(L) includes four categories: divorce, dissolution of marriage, legal separation, and annulment. R.C. 2301.03(L), amended eff. Jan. 1, 1991 and Jun. 7, 2010. (Appx. 33 & 80.)

Ohio's law which provided that "The court of *common pleas* shall hear and determine [actions for divorce or alimony]." ² R.C. 3105.03 (Gen.Code, § 8003-3) (Appx. 97.). While the language did not specify "General Division," apparently at that time, it was understood that a reference to the court of common pleas meant the General Division.

On October 20, 1959, pursuant to Am. SB 145, the Ohio Legislature increased the number of judges in the Cuyahoga Court of Common Pleas from nineteen to twenty-one, and with the two new judges, created the Domestic Relations Division of the Cuyahoga County Court of Common Pleas. Am. SB 145, at 147-154 (Appx. 20.) Prefatory language to Am. SB 145 indicates that the purpose of the Act was to "provide for a division of domestic relations in the court of common pleas of Cuyahoga and Lake counties ***" Id. at 147. (Appx. 19.) This new provision was codified in Ohio Revised Code section 2301.03 for the first time in 1959. Two sub-sections addressed the changes in Cuyahoga County: R.C. 2301.02(C), which added the two judges to Cuyahoga County's Court of Common Pleas; and 2301.03(L), which provided that the two new domestic relations judges were to "exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Cuyahoga County, and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to all *divorce and alimony cases*, except as such cases as should be assigned to some other judges of the court of common pleas for some special reason." (Emphasis added.) R.C. 2301.03(L), eff. Oct. 20, 1959 (Appx. 25.)

² The full text of the referenced section reads: "Sec. 3105.03 (8003-3). Place where action shall be brought. Except in an action for alimony alone, the plaintiff shall have been a resident of the state at least one year immediately before filing the petition. Actions for divorce or for alimony shall be brought in the county of which the plaintiff is and has been *** a bona fide resident for at least ninety days immediately preceding the filing of the petition, or in the county where the cause of action arose. The court of *common pleas* shall hear and determine the case, whether the marriage took place, or the cause of divorce occurred, within or without the state." R.C. 3105.03 (Gen. Code, §8003-3) (Appx. 97.)

While both sections R.C. 2301.02(C) and 2301.03 became effective in 1959, it was not until January 8, 1961 that the very first term for the newly-created Domestic Relations Division began. Am. SB 145 at 153. (Appx. 25.)

From its enactment in 1959 until now, the number of categories included under the description of domestic relations in R.C. 2301.03(L) has increased. The current language of said section provides that the division of domestic relations judges “shall have all the powers relating to all *divorce, dissolution of marriage, legal separation, and annulment cases*, except in cases that are assigned to some other judge of the court of common pleas for some special reason.” (Emphasis added.) R.C. 2301.03(L), eff. Jun. 7, 2010. (Appx. 72 & 89.)

The language “for some special reason”, which language was included when the section was enacted, has remained through amendments to the statute and means the same today as it did when the statute was enacted; that is, the legislature intended that the jurisdiction of the General Division in Cuyahoga County be decreased by excluding cases involving divorce and alimony (later, divorce, dissolution of marriage, legal separation, and annulment), except when there was a special reason. Indeed, this limitation was recognized by the Eighth Appellate District in *Price v. Price* (1984), 16 Ohio App.3d 93, 474 N.E.2d 662. In *Price*, the Cuyahoga County Court of Common Pleas, General Division, in connection with a pending fraud case, issued an order vacating a divorce decree issued by the Domestic Relations Division. The question to be determined by the Court in *Price* was, “When a division of the common pleas has completed the disposition of a matter that is within the division’s special assignment and later a controversy arises implicating both matters within the specialty and other issues not peculiar to it, does the general division have jurisdiction?” *Id.*, 16 Ohio App.3d at 95. In a decision affirming the trial court, the Eighth Appellate District said that the “General Assembly intended the jurisdiction of

common pleas divisions to have some measure of interchangeability. This aim is not discounted by the legislative indication of areas of special concern for common pleas divisions, *e.g.*, general, juvenile, probate, and domestic relations.” *Id.*, 16 Ohio App.3d at 95.

Thus, without legitimate controversy, the legislative intent underlying the initial enactment of R.C. 2301.03(L), coupled with the black letter language of the statute and relevant case law, proves the position that when R.C. 2301.03(L) became effective in 1959, and the Cuyahoga County Domestic Relations Division was brought into being, the intent and purpose was not to limit the Domestic Relations Division; but rather to reassign the responsibility for family issues, an area of special concern, to a division created especially to handle these issues, thereby relieving the general division from the responsibility of hearing domestic relations matters, except when there existed a special reason.

Enactment of the UIFSA to Replace the URESA in Ohio

Prior to the enactment of the UIFSA, interstate support matters in Ohio were adjudicated under the URESA, which was codified at Chapter 3115 of the Revised Code. The URESA, first adopted in Ohio in 1951, went through amendments in 1952 and 1956, and was then re-drafted in 1968 into the Revised Uniform Reciprocal Enforcement of Support Act (“RURESAs”, but hereinafter referred to generically as the URESA unless specificity required). See Wish Morgan, *Interstate Enforcement of Support – A Short Primer on Federal and Uniform Law*, § IV.A. (amended in 2002)(“*Interstate Enforcement of Support – A Short Primer*”), available at <http://www.childsupportguidelines.com/articles/art199907.html> (last visited Dec. 15, 2010).

Under the URESA, it was well-established that courts hearing interstate cases were vested with subject matter jurisdiction to preside over cases involving paternity and support. *Shanyfelt v. Shanyfelt* (1997), 118 Ohio App.3d 243, 692 N.E.2d 642 (“The statutory scheme of

URESAs confers subject matter jurisdiction over the sole issues of paternity and support. [Citation omitted.] Related matters such as visitation and custody are not within a court's purview." *Id.*, 118 Ohio App.3d at 248). The URESA laws explicitly provided that "[j]urisdiction of all proceedings under Sections 3115.01 to 3115.22, inclusive, of the Revised Code, is vested in any trial court of record." R.C. 3115.08(B) (134 v H 504, eff. 10-27-71)(Appx. 107.) See also *Slaughter v. Slaughter*, Cuyahoga App. 93227, 2009-Ohio-6110 at ¶ 16, citing *Yusuf v. Omar*, Franklin App. No. 06AP-4162006, 2006-Ohio-6657 for the proposition that "the court's subject- matter jurisdiction [under UIFSA includes] matters of paternity and support [but not related issues such as divorce]. To hold otherwise would conflict with Ohio precedent concerning URESA *** and the efficient establishment and enforcement of support orders." It followed that the Cuyahoga County's Domestic Relations Court was vested with subject matter jurisdiction relative to matters of paternity and support. In Cuyahoga County, cases under the URESA were heard, virtually exclusively, by the Domestic Relations Division.

In 1988, a drafting committee was formed to revise the URESA to reflect the many changes between 1968 and 1988. *Interstate Enforcement of Support – A Short Primer* at § IV.A. However, rather than doing yet another revision, the drafting committee superseded the URESA with the Uniform Interstate Family Support Act (the UIFSA). *Id.* The UIFSA replaced the URESA at Ohio Revised Code chapter 3115, which, significantly, supports the claim that the UIFSA stepped into the shoes of the URESA.

That the UIFSA replaced the URESA is well-established in Ohio. *Slaughter*, *supra* ("It is also important to note that Ohio's UIFSA statutes, effective January 1, 1998, replaced Ohio's Uniform Reciprocal Enforcement of Support Act (URESAs).") *Id.*, 2009-Ohio-6110 at ¶12); *Yusuf*, *supra* ("Ohio's UIFSA, effective January 1, 1998, replaced Ohio's Uniform Reciprocal

Enforcement of Support Act (“URESAs”). *Id.*, 2006-Ohio-6657 at ¶10); *Walker v. Amos* (2000), 140 Ohio App.3d 32, 746 N.E.2d 642 (“The law was changed in January 1998, so that R.C. Chapter 3115, which contained URESA, was repealed and replaced by the Uniform Interstate Family Support Act [“UIFSA”].” *Id.*, 140 Ohio App.3d at 37.).

STATUTORY ANALYSIS RELATING TO JURISDICTION

While Appellant asserts that the Eighth District Court of Appeals’ interpretation of R.C. 2301.03 (L)(1) is flawed, it is further asserted that Cuyahoga County Domestic Court’s subject matter jurisdiction over all interstate support matters flows directly from the UIFSA.

The Cuyahoga County Domestic Relations Court is a proper Responding Tribunal under the UIFSA.

Under the Ohio Constitution Article IV, Section 4, courts of common pleas may only exercise such jurisdiction as is provided by the General Assembly. *Central Ohio Transit Auth. v. Transport Workers Union of America, Local 208* (1988), 37 Ohio St.3d 56, 60, 524 N.E.2d 151; *Seventh Urban, Inc. v. University Circle* (1981), 67 Ohio St.2d 19, 22-23, 21 O.O.3d 12, 423 N.E.2d 1070; *State ex rel. Miller, v. Keefe* (1958), 168 Ohio St. 234, 6 O.O.2d. As such, the standard to be applied in determining whether subject matter jurisdiction lies is whether any cause of action cognizable by the forum has been raised in the complaint. *State ex rel. Bush v. Spurlock* (1989), 42 Ohio St.3d 77, 80, 537 N.E.2d 641; *Prosen v. Dimora* (1992), 79 Ohio App.3d 120, 123, 606 N.E.2d 1050. In different words, the question is whether the plaintiff has alleged any cause of action which the court has the authority to decide. *Shockey v. Fouty* (1995), 102 Ohio App.3d 420, 666 N.E.2d 304; *McHenry v. Indus. Comm.* (1990), 68 Ohio App.3d 56, 62, 587 N.E.2d 414.

Pursuant to R.C. 3115.01(X), the UIFSA defines a “tribunal” as “any trial court of record of this state and when the context requires, a court, administrative agency, or quasi-judicial entity

of any other state authorized to establish, enforce, or modify support orders or to determine parentage.” (Appx. 106.) This is a definitional change from URESA and RURESAs, both of which used the term “court.” The thought behind this change is explained in the official comments of the UIFSA, which comments say the change was strategic “in recognition of the fact that many states have created administrative agencies to establish, enforce, and modify child support.” Ohio Uniform Interstate Family Support Act with Official Comments to the Text Promulgated by National Conference of Commissioners on Uniform State Laws, § II. ¶ A.1. TERMINOLOGY. (“UIFSA with Official Comments”).³

It is uncontroverted that both the Cuyahoga County Court of Common Pleas, Domestic Relations Division, and the Cuyahoga County Court of Common Pleas, Juvenile Division, satisfy the definition of tribunal pursuant to R.C. 3115.01(X), as each is a “trial court of record” in that each is a specialized division within the Court of Common Pleas itself. “That the Court of Common Pleas is a court of record should stand without question. It follows that any division or branch thereof is a court of record.” *Robinson v. Robinson* (1964), 8 Ohio App.2d 235, 236, 221 N.E.2d 598.

Although the Cuyahoga County Domestic Relations Court is clearly a tribunal under the UIFSA, the determination of its possession of subject matter jurisdiction in this matter requires the additional step of determining whether it constitutes a “responding tribunal” under the statute. Pursuant to R.C. 3115.01(R), a “responding tribunal” means an “authorized tribunal in a

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http://docs.google.com/viewer?a=v&q=cache:egJkU_2TQQMJ:jfs.ohio.gov/ocs/UIFSAcom.pdf+Ohio+Uniform+INterstate+Family+support+Act+with+Official+Comment+to+the+Text&hl=en&gl=us&pid=bl&srcid=ADGEEShyHcp_lq8Pv_gk7Cz5ENIt3My2xD5xpDR7HGWvRV8hjQ-8Bdy08kkka7k0vPFKuVKfGvmlNuJoft1tb2bbvS98gGh7DeG7r3TacO_3aQDOimyGDy7oZQ0qfjqAQ8hgCw1rlOOm&sig=AHIEtbQRlvg-o5kmiTwisMGOOraKVOWDpA (last visited Dec. 15, 2010). Because of the lengthy url, future citations within this document for the Ohio UIFSA with Official Comments will refer the reader back to this footnote.

responding state.” (Appx. 105.) It is noted that the word “authorized” is defined as “to give legal authority or to empower.” Black’s Law Dictionary, Ninth Edition, 2009. A responding tribunal under the UIFSA is empowered to issue or enforce a support order, modify a support order, or determine the existence of a parent child relationship. R.C. 3115.16(B). (Appx. 108.)

In *Pula*, the Eighth District Court of Appeals held that the Cuyahoga County Domestic Relations Court was not an authorized tribunal in a responding state because its subject matter jurisdiction is limited to the parameters of R.C. 2301.03(L)(1). As alluded to earlier and as analyzed more fully later in this brief, Appellant asserts that the Eighth District misinterpreted the statutory phrase which reads “[t]hey shall have all the powers relating to all divorce, dissolution of marriage, legal separation, and annulment cases *** ” as limiting the jurisdiction of the Domestic Relations Court. Contrary to this holding, the legislative intent underlying inclusion of this language was to limit the jurisdiction of the Cuyahoga County Common Pleas Court, General Division, which had been hearing these matters prior to the statute’s enactment. Moreover, Appellant asserts that the *Pula* court’s interpretation of R.C. 2301.03(L)(1) as limiting the Domestic Relations Court’s jurisdiction is at odds with a prior Eighth District Court of Appeals decision in the case of *Dickson v. Dickson* (May 27, 1982), Cuyahoga App. Nos. 43010 & 43016, 1982 WL 5380, wherein the same statute was at the heart of the reviewing court’s jurisdictional determination for the Cuyahoga County Domestic Relations Court. In the *Dickson* case, the plaintiff had brought the defendant’s company into their divorce matter as a party. In response, the defendant’s company filed a counterclaim unrelated to the divorce against the plaintiff. The Cuyahoga County Domestic Relations Court dismissed the counterclaim based upon a lack of subject matter jurisdiction. The Eighth Appellate District reversed the trial court decision, finding in part that R.C. 2301.03(L)(1) states that the judges of the Domestic Relations

Division of the Cuyahoga County Court shall exercise the same powers and jurisdiction as other judges on the Common Pleas Court. *Id.* at *4. The matter was remanded to the Domestic Relations Court for further disposition on the counterclaim.

Appellant asserts that both Juvenile Court and Domestic Relations Court are responding tribunals under the UIFSA, and possess concurrent subject matter jurisdiction to handle all interstate support matters. Juvenile Court's subject matter jurisdiction derives from R.C. 2151.23(B)(3), which states that it has original jurisdiction (but not exclusive original jurisdiction) to adjudicate matters under the Uniform Interstate Family Support Act in Chapter 3115 of the Ohio Revised Code. (Appx. 51.) Appellant asserts that the Cuyahoga County Domestic Relations Court is also a "responding tribunal" under the UIFSA.

Cuyahoga County Domestic Relations Division - Jurisdictional Considerations

"The court of common pleas is a court of general jurisdiction. It embraces all matters at law and in equity that are not denied to it." *Saxton v. Seiberling* (1891), 48 Ohio St. 554, 558-559, 29 N.E. 179. The Cuyahoga County Domestic Relations Division shares such jurisdiction by virtue of the plain language of R.C. 2301.03(L). The current language in R.C. 2301.03(L)(1) states: "In Cuyahoga county, the judges of the court of common pleas whose terms begin on January 8, 1961, January 9, 1961, January 18, 1975, January 19, 1975, and January 13, 1987, and successors, shall have the same qualifications, *exercise the same powers and jurisdiction*, and receive the same compensation *as other judges of the court of common pleas of Cuyahoga county* and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that are assigned to some other judge of the court of common pleas for some special reason." (Emphasis added.) See R.C.

2301.03(L)(2010) (Appx. 80.)⁴ This principle has been long recognized. See, e.g., *Price*, supra, which states that “the legislature has evidenced an intent that all the judges of the permissible divisions of courts of common pleas be *equivalents* endowed with the same powers.” *Price*, 16 Ohio App.3d at 94, citing R.C. 2301.03 (emphasis in original).

The court in *Pula* held that the Cuyahoga County Domestic Relations Division lacked jurisdiction over the instant matter. This holding was based on the court’s finding in relation to the provisions of R.C. 3115.16(B), which state that “[a] responding tribunal of this state, to the extent otherwise authorized by law, may *** [i]ssue or enforce a support order, modify a child support order, or determine the existence or nonexistence of a parent and child relationship[.]” (Appx. 108.) In holding that the Domestic Relations Division was without authority to address issues under the UIFSA related to unmarried parents, the court failed to recognize that such authority has been granted explicitly by Ohio statute. As demonstrated above, the Domestic Relations Division is a “trial court of record” and is thus a “tribunal” for UIFSA purposes.

Additionally, R.C. 3115.52(A) specifically provides *that under the UIFSA, URESA and the RURESAs*, “[a] tribunal *** of this state may serve as *** [a] responding tribunal in a proceeding brought under sections 3115.01 to 3115.59 of the Revised Code *** *to determine the existence or nonexistence of a parent and child relationship* with respect to the parties.”

(Emphasis added.) R.C. 3115.52(A). (Appx. 110.) This provision does nothing, generally, for matters where a rebuttable presumption of paternity exists, which occurs in a majority of cases involving divorce with minor children brought before the Domestic Relations Division. Since however, Cuyahoga County’s Domestic Relations Court is a trial court of record of this state, authorized to establish, modify or enforce support orders, or to determine parentage (and

⁴ The language of the 1991 version of R.C. 2301.03(L)(1), (Appx. 33), mirrors the current language, except the 1991 version reads “dissolution” rather than “dissolution of marriage.”

therefore a tribunal under the UIFSA), and given that prior to the UIFSA, actions under the URESA/RURESAs were adjudicated by the Domestic Relations Court, the intent of the legislators is apparent: that, along with the Juvenile Division, jurisdiction to adjudicate cases under the UIFSA, including those cases involving unmarried parents, continues to lie with the Domestic Relations Court. Indeed, a majority of these cases were heard by the Domestic Relations Court under the URESA, and there is no point in time since the enactment of the UIFSA when Cuyahoga County's Domestic Relations Court was divested of jurisdiction to hear interstate cases involving unmarried parents.

In rejecting this argument, the court in *Pula* mistakenly relies on R.C. 3105.011, stating that "R.C. 3105.011 sets forth the jurisdiction of the domestic relations divisions of the common pleas courts[.]" *Pula*, 2010-Ohio-912 at ¶10.(Appx. 8.) This is erroneous. R.C. 3105.011 does *not* set forth the jurisdiction of the domestic relations divisions. Instead, it merely states that "[t]he court of common pleas including divisions of domestic relations, has full equitable powers and jurisdiction appropriate to the determination of all domestic relations matters." (Appx. 95.) This statute, by its very terms, is not limited to the domestic relations divisions, but rather applies to the court of common pleas as a whole, and merely recognizes that "full equitable powers and jurisdiction" exist as to "all domestic relations matters." This recognition of equitable powers does nothing to prescribe nor limit the jurisdiction of the domestic relations divisions of the common pleas court.

Also contrary to the *Pula* holding, R.C. 2301.03(L) states that "[i]n Cuyahoga County, the judges of the court of common pleas whose terms begin on [dates omitted], and successors, shall have the same qualifications, *exercise the same powers and jurisdiction*, and receive the same compensation *as other judges of the court of common pleas of Cuyahoga county* and shall

be elected and designated as judges of the court of common pleas, division of domestic relations.” (Emphasis added.)⁵ R.C. 2301.03(L) (Appx. 26, 33, 80.) The statute then goes on to remove from the General Division, and place with the Domestic Relations Division, all jurisdiction over divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that are assigned to some other judge of the court of common pleas for “some special reason.” This language is not a limiting provision of the Domestic Relations Division but rather a specific grant of authority, in addition to the general powers of the division. “The Common Pleas Court being a court of general jurisdiction of all actions * * *, it has jurisdiction of all actions unless its jurisdiction is taken away by statute.” *Standifer v. Arwood* (1984), 17 Ohio App.3d 241, 244, 479 N.E.2d 304, citing *State, ex rel. Mastracci, v. Rose* (1947), 79 Ohio App. 556, 558, 72 N.E.2d 582 [35 O.O. 388]. Here, R.C. 2301.03(L) limits the jurisdiction of Cuyahoga County’s General Division as contemplated in *Standifer*; it does not limit the jurisdiction of the Domestic Relations Division.

The *Pula* court’s interpretation (that this language is a limitation on authority) would render meaningless the provision immediately preceding this language, which provision explicitly grants to the domestic relations division “the same powers and jurisdiction *** as other judges of the court of common pleas of Cuyahoga county.” The Eighth Appellate District’s approach in *Pula* is violative of the rules of statutory construction. “In enacting a statute, it is presumed that: *** [t]he entire statute is to be effective ***.” R.C. 1.47(B). (Appx. 43.)

⁵ Note, by contrast, that “[t]he juvenile court is a court of record within the court of common pleas. *The juvenile court has and shall exercise the powers and jurisdiction conferred in Chapters 2151. and 2152. of the Revised Code.*” R.C. 2151.07 (emphasis added). (Appx. 49.) See also R.C. 2101.24, which explicitly sets forth the actions within the probate division’s jurisdiction rather than granting it “the same powers and jurisdiction” as the general division of the common pleas court. (Appx. 46-48.)

Concurrent Jurisdiction over UIFSA Matters

That the Ohio legislature intended the Cuyahoga County Domestic Relations Court have concurrent jurisdiction with the Juvenile Court to adjudicate all matters under the UIFSA is apparent from the UIFSA statutes. A comprehensive analysis of the relevant statutes reveals that intent.

Appellant asserts that the language contained in R.C. 2151.23 and R.C. 2301.03(G), (I) and (L) shows unambiguously the intent that the juvenile division not have exclusive original jurisdiction over an action brought under the UIFSA. In particular, there exists specific language in the Revised Code evincing the Ohio legislature's intent not to grant the Juvenile Division exclusive original jurisdiction in matters under the UIFSA. This is plainly demonstrated by the language used to convey jurisdiction to the Juvenile Court. R.C. 2151.23(A) states: "The juvenile court has *exclusive original jurisdiction* under the Revised Code as follows: *** (11) Subject to divisions (G) and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child *if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation*, a criminal or civil action involving an allegation of domestic violence, *or an action for support brought under Chapter 3115. of the Revised Code*⁶ ***." (Emphasis and footnote added.) R.C. 2151.23(A). (Appx. 51.) The language itself sets forth that the juvenile court does not have exclusive jurisdiction over an action under the UIFSA, as it explicitly excludes from the juvenile court's exclusive original jurisdiction both those support requests that are "ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation" and "action[s] for support brought under Chapter 3115 of the Revised Code." *Id.* This exclusion from the juvenile court's exclusive

⁶ Chapter 3115, sections 3115.01 – 3115.59, is Ohio's UIFSA.

jurisdiction necessarily implies that such an action may also be brought in another division of the court. The Domestic Relations Division is the only viable option.

By contrast, R.C. 2151.23(B) states: “*Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code: *** (3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code ***.*” (Emphasis added.) R.C. 2151.23(B)(3). (Appx. 52.) Once again, the pronouncement that the juvenile court has original but not exclusive jurisdiction over interstate actions under the UIFSA means that such actions may also be brought in another division of the court.

While R.C. 2151.23 does not explicitly state that the Domestic Relations Division is the other forum, it is the only possible option. The General and Probate Divisions do not establish, enforce or modify support orders; nor do they routinely determine parentage, although there is a narrow exception when the Probate Division is granted jurisdiction to establish parentage. See R.C. 3111.381(E). (Appx. 101.) The elimination of all forums but the Juvenile and Domestic Relations Courts leave these two divisions in Cuyahoga County as the courts empowered to adjudicate interstate matters under the UIFSA.

Also of great import is a visual review of the language of Amended Substitute House Bill Number 352, which amended R.C. 2151.23 when making the changes necessary to update Ohio’s law from the URESA to the UIFSA. What follows here represents the look and the language of 1997 HB 352 from October 1997 relative to R.C. 2151.23 as impacted by R.C. 3115, which became effective on January 1, 1998. The language of R.C. 2151.23(A)(11) reads: “(A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows: (11) Subject to division (V) of section 2301.03 of the Revised Code, to hear and determine a request

for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, *or an action for support brought under Chapter 3115. of the Revised Code.* *** (B) The juvenile court has original jurisdiction under the Revised Code: (2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.19 of the Revised Code; (3) Under the uniform ~~reciprocal~~ enforcement of interstate family support act in Chapter 3115. of the Revised Code ***.” (Emphasis added.) Am. Sub. H.B. 352, (eff. Jan. 1, 1998) (Appx. 30), also available at http://www.legislature.state.oh.us/BillText122/122_HB_352_ENR.html (last visited Dec. 15, 2010). This visual representation, when coupled with the following language from Section 3, “The General Assembly recognizes that in certain instances, the wording of this act differs from that of the Uniform Interstate Family Support Act approved by the National Conference of Commissioners on Uniform State Laws. *Any such dissimilarity denotes a technical change or is made to reflect the intent of the Commissioners as expressed in the Comments to the Uniform Interstate Family Support Act* ***” (emphasis added), shows, without controversy, that the legislators envisioned that the UIFSA, upon its enactment, would step into the shoes of the URESA; that under the UIFSA, a division other than the Juvenile Division was vested with jurisdiction to hear interstate cases; and it follows that that other division was Cuyahoga County’s Domestic Relations Court. *Id.*

The position that all actions under the UIFSA are appropriately subject to the Domestic Relations Court’s jurisdiction is further bolstered by reading R.C. 2151.23(B) along with those sections cited in exception to the general provisions thereof, namely R.C. 2301.03(G) and (I). R.C. 2301.03(G) recognizes that in Richland County, the domestic relations division of the court

of common pleas has concurrent jurisdiction with the juvenile division, *inter alia*, “to hear and determine a request for an order for the support of any child *if the request is not* ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation *** or an action for support brought under Chapter 3115. of the Revised Code.” (Emphasis added.) R.C.

2301.03(G). (Appx. 24 & 77.) This paragraph also directs that, unless juvenile court has *exclusive* original jurisdiction, *all* paternity and child support actions are to be handled by the domestic relations division, and, in apparent recognition of the concurrent jurisdiction over UIFSA cases, mandates that *all* UIFSA actions be assigned to the domestic relations division.

The exact language in R.C. 2301.03(G) provides: “Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, *the judge of the division of domestic relations shall be assigned and hear* all cases pertaining to paternity or parentage, the care, custody, or control of children, parenting time or visitation, child support, or the allocation of parental rights and responsibilities for the care of children, all proceedings arising under Chapter 3111. of the Revised Code, *all proceedings arising under the uniform interstate family support act contained in Chapter 3115. of the Revised Code*, and all post-decree proceedings arising from any case pertaining to any of those matters.” (Emphasis added.) *Id.* (Appx. 77.)

R.C. 2301.03(I) does the same for Summit County as does paragraph (G) of the section for Richland County. R.C. 2301.03(I) provides that, in Summit County, unless juvenile court has exclusive original jurisdiction, *all* paternity and child support actions are to be handled by the domestic relations division, and, in apparent recognition of the concurrent jurisdiction over UIFSA cases, mandates that *all* UIFSA cases be assigned to the domestic relations division. The language found in R.C. 2301.03(I) provides: “*Except in cases that are subject to the exclusive original jurisdiction of the juvenile court*, the judges of the division of domestic relations shall

have assigned to them and hear all cases pertaining to paternity, custody, visitation, child support, or the allocation of parental rights and responsibilities for the care of children and all post-decree proceedings arising from any case pertaining to any of those matters. *The judges of the division of domestic relations shall have assigned to them and hear all proceedings under the uniform interstate family support act contained in Chapter 3115. of the Revised Code.*” R.C. 2301.03(I). (Emphasis added.) (Appx. 78.)

By contrast, R.C. 2301.03(L), which addresses Cuyahoga County, is silent as to the jurisdiction of domestic relations court over UIFSA actions. See R.C. 2301.03(L). While R.C. 2301.03 (L)(1) does not specifically address the jurisdiction of the domestic relations division in Cuyahoga County as it relates to UIFSA matters, this does nothing to obviate the implicit recognition contained in R.C. 2151.23 that the juvenile court division does not have exclusive jurisdiction over cases under the UIFSA. In fact, a reading of the various statutory provisions in pari materia reveals that the statutory provisions stand for the opposite conclusion: that, barring an explicit grant of exclusive jurisdiction as is done in Richland and Summit Counties pursuant to R.C. 2301.03(G) and (I), an action under the UIFSA may be brought appropriately in either the juvenile division or the domestic relations division.

The issue of concurrent jurisdiction of other common pleas court divisions relative to the original, not original *exclusive* jurisdiction, of the juvenile court has been addressed previously by this Court in the case of *Brookbank v. Gray*, 74 Ohio St.3d 279, 1996-Ohio-135 at paragraph 3 of the syllabus. In that case, the general division of the court of common pleas established paternity of the deceased plaintiff’s illegitimate son in a wrongful death case. The *Brookbank* court noted that, pursuant to R.C. 2151.23(B)(2), the juvenile court has original jurisdiction over the establishment of paternity for any child born out of wedlock. In overruling the contention

that paternity of an illegitimate child may only be established in juvenile court, this Court distinguished between juvenile court's original jurisdiction and its original exclusive jurisdiction. *Id.*, 74 Ohio St.3d at 293.

The issue of juvenile court's original versus exclusive original jurisdiction was also addressed relative to a determination of paternity in the case of *Standifer*, where the court found that unless a statute grants exclusive jurisdiction or exclusive original jurisdiction to another court, the court of common pleas may properly assert jurisdiction over a matter. *Standifer*, 17 Ohio App.3d at 244.

Significant to this is review that Ohio has but two divisions of the common pleas court vested with subject matter jurisdiction to establish, enforce, or modify support orders or determine parentage: the Juvenile and Domestic Relations Divisions.⁷ Issues regarding parentage can be brought in a juvenile court or a domestic relations court under both R.C. 3111.06 and R.C. 3111.381. Moreover, R.C. 3109.05 states that in a divorce, dissolution of marriage, legal separation, or *other child support proceeding*, the domestic relations court may order either or both parents to support or help support their children. (Appx. 98.) Also, the establishment and modification of child support has been found to be a domestic relations matter under R.C. 3105.011. (Appx. 95.) A domestic relations court's jurisdiction includes the determination and subsequent modification of child support. *Trump v. Trump* (1999), 136 Ohio

⁷ For a limited exception, see R.C. 3111.381(E), which states: "If the alleged father of a child is deceased and proceedings for the probate of the estate if the alleged father have been or can be commenced, the court with jurisdiction over the probate proceedings shall retain jurisdiction to determine the existence of nonexistence of a parent and child relationship between the alleged father and any child without an administrative determination being requested from a child support enforcement agency." (Appx. 101.) This provision, therefore, grants the probate court, in limited circumstances, jurisdiction to establish parentage. It has been held, however, that a probate court lacks subject matter jurisdiction under Ohio law to issue or modify an order for child support. *In the Guardianship of B.I.C.*, Wayne App. No. 09CA0002, 2009-Ohio-4800 at ¶21.

App.3d 123, 736 N.E.2d 39; see also *In re Guardianship of Derakhshan* (1996), 110 Ohio App.3d 190, 673 N.E.2d 954. In the case of *Whitten v. Whitten*, Cuyahoga App. No. 90236, 2008-Ohio-3446, the Eighth District Court of Appeals held that the Domestic Relations Division of the Court of Common Pleas has subject matter jurisdiction over father's motion to correct arrearages, despite mother's contention that the father's claim was for conversion. The *Whitten* court found that issues of child support collection and overpayment were entirely within the jurisdiction of the domestic relations division. This legal reasoning was followed in the case of *Nedal v. Nedal*, Portage App. No. 2007-P-0022, 2008-Ohio-1025, which also found that issues of child support fall within the scope of the domestic relations court's jurisdiction.

Prior to the enactment of the UIFSA, the majority of interstate support cases in Cuyahoga County were handled by the Domestic Relations Court under the URESA. Therefore, when the UIFSA became effective, the Domestic Relations Court had a multitude of interstate support cases on its docket, the majority of which involved unmarried parties. Upon the effective date of the UIFSA, this multitude of cases remained with the Domestic Relations Court, and rightfully so: R.C. 3115.57 provides that orders "issued prior to the effective date of this section pursuant to former Chapter 3115. of the Revised Code [i.e., the URESA] *** remain in full force and effect as issued, but may be modified or terminated"--but only pursuant to the terms of the UIFSA. R.C. 3115.57 (1997 H.B. 352, eff. 1-1-98). (Appx. 111.) Here, given the language of R.C. 3115.57, it is understandable that the Domestic Relations Court concluded that it maintained subject matter jurisdiction over such cases.

The language in R.C. 3115.57 also carries weighty significance because the language contained therein authorized and supported the decision of Cuyahoga County's Domestic Relations Court, with its multitude of pending interstate cases involving unmarried parents under

the URESA, to continue to exercise jurisdiction over these matters when the UIFSA replaced the URESA on January 1, 1998.

Rules of Statutory Construction

Appellant asserts that by failing to apply the rules governing statutory construction under Ohio law, the Eighth District rendered a decision under *Pula* that resulted in an overly narrow interpretation of R.C. 2301.03(L)(1).

R.C. 1.49 provides that: “If a statute is ambiguous, the court, in determining the intention of the legislature, may consider among other matters: (A) The object sought to be attained; (B) The circumstances under which the statute was enacted; (C) The legislative history; (D) The common law or former statutory provisions, including laws upon the same or similar subjects; (E) The consequences of a particular construction; [and] (F) The administrative construction of the statute. R.C. 1.49. (Appx. 44.) Moreover, case law provides that if the construction and interpretation of statutory language reveals a statute to be facially ambiguous, it is the function of courts to construe statutory language to effect a just and reasonable result. *Cuyahoga Falls v. General Mills Restaurants, Inc.* (1996), 111 Ohio App.3d 635, 639-640, 676 N.E.2d 1206. The *Pula* court’s interpretation of R.C. 2301.03(L)(1) results in an untenable conflict between various portions of the same statute, since one part of the statute grants domestic relation judges the same power and jurisdiction as other judges in the court of common pleas, while the *Pula* court holds that another part of the very same section limits those same judges’ power and jurisdiction only to divorces, dissolutions of marriage, legal separations, and annulments. That interpretation brings with it the potential invalidation of thousands of paternity and support orders. Surely the *Pula* rationale does not effectuate a just and reasonable result in this matter.

There also is available a body of case law relating to the proper reading of statutes, which

case law the *Pula* court failed to acknowledge. That body of law dictates that the primary duty of a court in construing a statute is to give effect to the intention of the legislative body enacting the statute. *Burgett's Lessee v. Burgett* (1824), 1 Ohio 469, 1824 WL 32 (“When the legislature have clearly expressed their will upon any subject, courts of law are bound to carry their will into effect.” *Id.*, 1 Ohio at 473); *Cuyahoga Cty. Support Enforcement Agency v. Lozada*, (1995), 102 Ohio App.3d 442, 657 N.E.2d 372 (“[I]t is a well-settled principle of law that courts have the authority to construe statutes in order to effectuate their intent.” *Id.*, 102 Ohio App.3d at 449, *citing Burgett*, *supra*). To discern legislative intent, a court first considers the statute language, reading words and phrases in context and construing them in accordance with the rules of grammar and common usage. *State ex rel. Myles v. Brunner*, 120 Ohio St.3d 328, 2008-Ohio-5097 at ¶17, 899 N.E.2d 120. The court should consider the apparent purpose to be accomplished and then adopt a construction that permits the statute and its various parts to be construed as a whole and gives effect to the paramount object to be attained. *Humphrys v. Winous Co.* (1956), 165 Ohio St. 45, 49, 133 N.E.2d 780.

Moreover, a legislative body is not presumed to do a vain or useless thing. Thus, when language is inserted in a statute, the law presumes that it is inserted to accomplish some definite purpose. See *Celebrezze v. Hughes* (1985), 18 Ohio St.3d 71, 74, 479 N.E.2d 886. Accordingly, statutes should be construed as to give effect to the intention of the legislature, and, if possible, render every section and clause effectually operative. See *Humphrys*, 165 Ohio St. at 56, *citing Pancoast v. Ruffin*, 1 Ohio 381, 385-386, 1824 WL 23.

Appellant asserts that the Ohio Legislature inserted language into R.C. 2301.03(L)(1) which clearly states that domestic relations judges in Cuyahoga County have the same powers and jurisdictions as other judges of the court of common pleas for a reason. Moreover, instead of

inserting limiting language relative to those domestic relation judges' authority, the Ohio Legislature granted judges of the Cuyahoga County Domestic Relations Court "all the powers relating to all divorces, dissolution of marriages, legal separation, and annulment cases, except in cases that are assigned to some other judge of the court of common pleas for some special reason." Clearly, that is not language intended to limit the Domestic Relations Court's power.

In reviewing a statute, a court must presume that the drafters were aware of previously enacted legislation. See *State v. Conyers* (1999), 87 Ohio St.3d 246, 250, 719 N.E.2d 535. Applied to *Pula*, this principle means that the reviewing court must presume that the drafters of the UIFSA were aware both of the intent of the prior legislature to limit the jurisdiction of Cuyahoga County's General Division of Common Pleas Court with R.C. 2301.03(L), and, pursuant to the specific provision in R.C. 3115.57, the unambiguous intent of the legislators that the Domestic Relations Court not lose jurisdiction over pending cases on its docket under the URESA once the UIFSA became effective.

When two statutes deal with the same subject matter, the statutes should be construed together and read in *pari materia*. *Volan v. Keller* (1969), 20 Ohio App.2d 204, 206, 253 N.E.2d 309. Indeed, a court is duty bound, if possible, to reconcile and harmonize so far as practicable apparently conflicting statutory provisions so as to make them consistent, harmonious, and sensible. See *State ex rel. Burton v. Smith* (1963), 174 Ohio St. 429, 432, 189 N.E.2d 876. "It is settled that, where there are contradictory provisions in statutes, and both are susceptible of a reasonable construction which will not nullify either, it is the duty of the court to give such construction, and further, that where two affirmative statutes exist one is not to be construed to repeal the other by implication unless they can be reconciled by no mode of interpretation." *Humphrys*, 165 Ohio St. at 56-57, citing *Ex parte Hesse* (1915), 93 Ohio St. 230, 234, 112 N.E.

511.

Construing these various sections together gives effect to all their terms and provisions so as to render them compatible with each other to the extent possible. See R.C. 1.51. (Appx. 45); *Commonwealth Loan Co. v. Downtown Lincoln Mercury Co.* (1964), 4 Ohio App.2d 4, 6, 211 N.E.2d 57.

“The underlying spirit and policy of [child support statutes] are concern for ‘the best interest of the child.’ [Citation omitted.] Following this concern and the mandates of Title IV-A and Title IV-D, the General Assembly attempted to design a program of child support enforcement that would protect ‘the best interest of the child.’ It would be virtually impossible to demand that in so doing the General Assembly literally spell out every possible circumstance encompassed by ‘the best interest of the child.’ *Rather, it is the purpose of the courts to interpret the General Assembly’s intent as it applies to the scores of circumstances which arise.*” (Emphasis added.) *Lozada*, 102 Ohio App.3d at 450.

Also relevant here is that the UIFSA is a remedial statute, discussed at length below. This fact, considered along with the legal doctrine of *in pari materia* and the duty of courts to harmonize laws to reach a consistent, harmonious, sensible result, would preclude the Eighth Appellate District from reaching the decision it reached in *Pula*. The Eighth Appellate District’s very narrow focus on that portion of R.C. 2301.03(L) which articulates that the Cuyahoga County Domestic Relations Court has “all the powers relating to all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that are assigned to some other judge of the court of common pleas for some special reason,” with no recognition of the historical context of those factors brought out herein is where, the Appellant believes, the analysis fell off track. Nor is the Eighth Appellate District’s overly narrow interpretation of this

portion of R.C. 2301.03(L) compatible with the first provision of the statute which states that judges of the Domestic Relations Division shall exercise the same power and jurisdiction as other judges of the court of common pleas of Cuyahoga County. Had the Eighth Appellate District factored in the well-documented history of the various provisions, and considered its duty to harmonize the intent of the drafters, it could not have held that R.C. 2301.03(L) limits the jurisdiction of Cuyahoga County's Domestic Relations Court. Rather, it should be read as a special provision which recognizes that, in some instances, the enumerated cases may be assigned elsewhere for "some special reason," in much the same way that paragraphs (G) and (I) contain special provisions which are an exception to the general jurisdictional provisions otherwise applicable to the various divisions of the court of common pleas.

The UIFSA, a Remedial Statute, was Enacted to Affect, with Ease in Transition between the URESA and the UIFSA, Its Self-Evident Purpose.

The UIFSA, which proscribes the methods for enforcement of rights or obtaining redress, is a remedial statute under Ohio law. See *State ex. rel Holdridge v. Indus. Comm.* (1967), 11 Ohio St.2d 178; see also *Beam v. Beam* (June 14, 2002), Darke App. No. 02-CA-1573, 2002-Ohio-2910; *Dunn v. Dunn* (2000), 137 Ohio App.3d 117, 738 N.E.2d 81 (Discussing the Uniform Reciprocal Enforcement of Support Act (URESAs), predecessor to the UIFSA). See also *Department of Human Services on behalf Young v. Leifester*, 721 A.2d 189, 1998 ME 266 ("UIFSA is a remedial statute, and as such must be construed liberally." Id. at ¶6); *Support Enforcement Div. of Alaska v. Brenckle* (1997), 424 Mass. 214, 675 N.E.2d 390 ("As a remedial statute, and one not affecting substantive rights, it is proper that UIFSA should be applied retroactively." Id., 424 Mass. at 220.)

A remedial law is one that provides "a means to enforce rights or redress injuries. *** A law passed to correct or modify an existing law; esp., a law that gives a party a new or different

remedy when the existing remedy, if any, is inadequate.” Black’s Law Dictionary, (8 Ed. 2004) 1319-1320. “Remedial legislation operates to correct defects in existing law, and relates to a remedy, or the rules of practice or procedure, as distinguished from those acts which create and define substantive rights.” *Dunn*, 137 Ohio App.3d at 124.

More importantly, R.C. 1.11 provides that remedial laws and all proceedings under them shall be liberally construed in order to promote their object and assist the parties in obtaining justice. Moreover, this Court has held that statutes regulating procedure are remedial in their nature, and such sections shall be liberally construed and applied to affect their self-evident purpose. *Wellston Iron Furnace Co. v. Rinehart* (1923), 108 Ohio St. 117, at paragraph 1 of the syllabus, 140 N.E.623. See also *Seegert v. Zietlow* (1994), 95 Ohio App.3d 451, 460, 642 N.E.2d 697. As a result, the *Pula* court was under a statutory obligation in its interpretation to construe the UIFSA statute liberally to promote its object and assist the parties in obtaining justice.

As an interstate support statute enacted by all the states, the purpose of the UIFSA was to provide a uniform method throughout the United States and participating foreign countries for handling interstate support obligations and providing out-of-state petitioners with a simplified procedure to present their cases. See the UIFSA, 1997 H.B. 352 (eff. 1-1-98), available at http://www.legislature.state.oh.us/BillText122/122_HB_352_ENR.html (last visited Dec. 15, 2010); also UIFSA with Official Comments, url information available at pg. 9 herein, fn3 (last visited Dec. 15, 2010). See also *Yusuf*, 2006-Ohio-6657, at ¶10 (“In general terms, the UIFSA provides for the registration of support orders issued in other states, the establishment of support orders upon petition from support agencies in other states, and the enforcement of out-of-state orders.”); *Slaughter*, 2009-Ohio-6110 at ¶16, *citing Yusuf*, ¶15 (“While the Act’s purpose is no

longer explicit, the UIFSA similarly manifests the Ohio legislature's intent to provide a practical and efficient method for enforcing or establishing interstate support obligations."); *Gowdey v. Gowdey* (Miss. App. 2002), 825 So.2d 67 ("The purpose of the UIFSA is to unify state laws governing the establishment, enforcement, and modification of child support orders." (Citation omitted.) *Id.* at ¶7); *Tate v. Fenwick* (Ind. App. 2002), 766 N.E.2d 423 ("A main purpose of the Uniform Interstate Family Support Act (UIFSA) is to simplify the collection of child support across state lines in today's highly mobile society; UIFSA provides a mechanism for cooperation between state courts in enforcing duties of support." *Id.* at 423.

The progression of Ohio's switch from the URESA to the UIFSA is chronicled in *Dunn*. "Effective January 1, 1998, Ohio repealed its RURESAs statute and adopted the [UIFSA]. UIFSA contains specific provisions for reconciling competing child support orders issued by different jurisdictions. The rules are intended 'primarily to accommodate multiple orders for the same obligation which arose under URESA.' Sowald & Morganstern, Ohio Domestic Relations Law (1997) 69, Section 23.34. Except for insignificant *** differences in terminology, the UIFSA priority rules are nearly identical to the existing requirements of the FFCCSOA. *Id.*; cf. R.C. 3115.09 and Section 1738B(f), Title 28, U.S.Code." *Dunn*, 137 Ohio App.3d at 122-123 (Emphasis deleted.) The Court in *Dunn* also discussed the FFCCSOA (that is, the Federal Full Faith and Credit for Child Support Act), and addressed how the Act set up a priority system to determine which of competing child support orders under the URESA and RURESAs is entitled to full faith and credit, and the fact that the Act is remedial in nature. See *Dunn*.

It is helpful here to review what the Court in *Dunn* discussed when finding that the FFCCSOA is remedial rather than substantive. "The FFCCSOA merely reinforces the support obligation that arises at birth by providing a procedural framework for enforcing one state's

support order in another jurisdiction. (Citation omitted.) The statute further attempts to reconcile an existing inconsistency in the law, and, as such, is remedial in nature. As a remedial statute, and one not affecting substantive rights, it is proper that the FFCCSOA be applied retroactively.” See *Dunn*, 124, citing *Georgia Dept. of Human Resources v. Deason*, 238 Ga.App.853, at 863-864, 520 S.E.2d 712; accord *Child Support Enforcement Div. of Alaska v. Brenckle*, supra.

Also important to note with the enactment of the UIFSA is the goal of the legislators that the process of enforcing child support across state lines become easier. “UIFSA contains specific provisions for reconciling competing child support orders issued by different jurisdictions. The rules are intended ‘primarily to accommodate multiple orders for the same obligation which arose under URESA’ [Citations omitted.]” *Dunn*. The Court in *Dunn* went on to identify that “[e]xcept for insignificant differences in terminology, the UIFSA priority rules are nearly identical to the existing requirements of the FFCCSOA. [Citation omitted.] cf. *** Section 1738B(f), Title 28, U.S.Code.” *Id.* at 122.

Additional language in *Dunn* refers to the “findings” sections of the FFCCSOA, wherein “Congress indicated that it was acting, in part, to remedy ‘the existence of multiple orders for the same obligation *** [and] unnecessary relitigation of support matters.’ ” *Id.* Specific language from the FFCCSOA’s findings section includes the following: “The Congress finds that (1) there is a large and growing number of child support cases annually involving disputes between parents who reside in different States; (2) the laws by which the court of different jurisdictions determine their authority to establish child support orders are not uniform; (3) those laws, along with the limited imposed by the Federal system on the authority of each State to take certain actions outside its own boundaries—(A) encourage noncustodial parents to relocate outside the States where their children and the custodial parents reside to avoid the jurisdiction of the courts

of such States, resulting in an increase in the amount of interstate travel and communication required to establish and collect on child support orders and a burden on custodial parents that is expensive, time consuming, and disruptive of occupations and commercial activity; *** (E) lead to the excessive relitigation of cases and to the establishment of conflicting orders by the courts of various jurisdictions, resulting in confusion, waste of judicial resources, disrespect for the courts, and a diminution of public confidence in the rule of law; and (4) among the results of the conditions described in this subsection are—(A) the failure of the courts of the States to give full faith and credit to the judicial proceedings of the other States ***.” FFCCSOA, section 1738B, Title 28 U.S.C.A., eff. Aug. 5, 1997. (Appx. 40-41.)

There exists a version of Ohio’s UIFSA that includes official comments of the drafters who were members of the National Conference of Commissioners on Uniform State Laws (“NCCUSL”). UIFSA with Official Comments, url information available at pg. 9 herein, fn3 (last visited on Dec. 15, 2010). A review of the comments shows the drafters’ intent that the UIFSA be passed specifically “as a means to enforce rights and redress injuries; to correct or modify an existing gap,” which refers back to language used by Black’s Law Dictionary to define remedial law. *Black’s*, at 1319-1320. A review of the official comments also show that not only was the creation of the UIFSA to correct or modify the law it replaced, it was the hope of the legislatures for a smooth transition between the URESA/RURESAs and the UIFSA. See UIFSA with Official Comments at 5, ¶ 3, url information available at pg. 9, fn 3 herein.

Another look at R.C. 3115.52(A) from a different perspective is revealing in that it allows one to see the intent of the legislators that there be an ease and as seamless a transition as possible in the interaction between the various initiating and responding tribunals while attempting to transition cases the newly-enacted UIFSA. Again, the official comments shed light

on the intent of the legislators. “The relationship between UIFSA and the prior uniform acts is captured in the phrasing of Subsection (7), and repeated several times throughout the Act. *See, i.e.*, Subsections (16) and (19). The Act declares that URESA and RURESAs are compatible with UIFSA, and the new Act is designed to function with the earlier acts without conflict.” UIFSA with Official Comments at 12, ¶ 2, url information available at pg. 9 herein, fn 3 (last visited on Dec. 15, 2010); see Interstate Enforcement of Support – A Short Primer at B.1., ¶ 1, available at <http://www.childsupportguidelines.com/articles/art199907.html> (last visited on Dec. 15, 2010) (“As stated in the Prefatory Note to UIFSA, the terminology of URESA was retained as much as possible to ease the transition from URESA to UIFSA.”).⁸

Based on this review, the Appellant asserts that not only was the UIFSA’s purpose to fix the shortcomings which became apparent in the URESA’s ability to enforce interstate support enforcement, the change was meant also to be as effortless as possible, in spite of the major change in the law. Thus, besides all of the proofs offered in support of the position that

⁸ Highlighted in this footnote are two excerpts from the official comments of the UIFSA as enacted in 1998, which show the legislators’ intent for ease of transition from the old law to the UIFSA. 1) “New Subsection (b), a transition provision, facilitates interstate enforcement between UIFSA states and those URESA and RURESAs states prior to the likely nationwide enactment of UIFSA by January 1, 1998. *** Although the three uniform acts seek the same goal *** and are compatible in the main, neither URESA nor RURESAs can be said to be substantially similar to UIFSA. *** The loser in the exercise of such hypertechnical interstate recalcitrance was the child who was due support. In response to such bureaucratic impasses, the 1996 amendment authorizes a tribunal in a UIFSA state to provide whatever documentation is required by a RURESAs state to facilitate child support enforcement.” UIFSA with Official Comments, at 26. 2) “This section directs a tribunal receiving UIFSA documents in error to forward the original documents to their proper destination without undue delay, whether the appropriate tribunal is located in the same state or elsewhere. This section is intended to apply both to initiating and responding tribunals receiving such documents. For example, if a tribunal is inappropriately designated as the responding tribunal, it shall forward the petition to the appropriate responding tribunal wherever located, if known, and notify the initiating tribunal of its action. Such a procedure is much to be preferred to returning the document so the initiating tribunal to begin the process anew. *Cooperation of this sort will facilitate the ultimate goals of the Act[.]* UIFSA with Official Comments at 28-29 (emphasis added), url information available at pg. 9 herein, fn. 3 (last visited Dec. 15, 2010).

Cuyahoga County's Domestic Relations Court as a tribunal has concurrent jurisdiction to handle all interstate cases under the UIFSA, including those cases involving unmarried parents, Appellant adds here the argument that the UIFSA is a remedial statute, which by virtue of its definition, is a statute inherently enacted to affect its self-evident purpose, and in this particular instance, to do so with ease.

Practical Implications

Appellant asserts that the *Pula* court failed pursuant to R.C. 1.11 to construe the UIFSA statutes in a manner that promotes its object or assists the parties in obtaining justice.

Relevant here is that the Eighth Appellate District itself has held that the policy of this state requires, in sum, that the parent-child relationship be shielded from the unsettling effects of further judicial inquiry, and that re-litigation of parentage be barred, as a general rule, in subsequent actions. *Lewis v. Chapin* (1994), 93 Ohio App.3d 695, 702, 639 N.E.2d 848.

Considering that Cuyahoga County's Domestic Relations Court had a multitude of interstate support cases on its docket, the majority of which involved unmarried parties, the resulting impact of transferring these cases to a new court's docket to begin litigation anew cannot be clearly envisioned. To move these cases from the Domestic Relations Court to the Juvenile Court, either when the UIFSA was enacted or at the present time, flies in the face of the reasonable expectation that parent/child relationships be shielded from the unsettling effects of further judicial inquiry. Moving the cases also would thwart totally the intent of the legislature that there be ease and as smooth a transition as possible in the switch from the URESA to the UIFSA.

The impact of this one decision has the potential to affect all 50 states as well as foreign countries, whose various relationships with the State of Ohio and thereby the United States as a

nation may also be affected. Intentionally woven into the very fabric of the UIFSA is the legal doctrine of full faith and credit, whereby each state affords credence to every other state's child support enforcement efforts, applying and enforcing the laws of the initiating state as if their own. Compliance with *Pula* would involve telling all states that have relied on their orders being enforced by Cuyahoga County's Domestic Relations Court that their orders are void, and that the families relying on these orders must start over, providing starting over is an option. For those whose claims are past the applicable statute of limitations, it will not be.

Support orders involving the international community are governed by formal agreement between participating countries. One such agreement, having potential to impact the case before this Court, results from the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.⁹ Said agreement, with the United States and over 50 other signatories, memorialized what was negotiated, adopted, and supported with the underlying understanding of reciprocity and involves the enforcement of child and spousal support across international boundaries. Final Act of the Twenty-First Session (2007) ("Final Act"), at 3, available at <http://www.hcch.net/upload/finact21e.pdf> (last visited Dec. 15, 2010) ("States Parties should take all appropriate measures, including the conclusion of international agreements, to secure the recovery of maintenance for the child from the parent(s) or other responsible persons, in particular where such persons live in a State different from that of the child ***"); accord UIFSA with Official Comments at 13, url information available at pg. 9 herein, fn 3 (last visited Dec. 15, 2010) ("[T]he additional language and reorganization in Subsection (19)(ii) makes clear that in this instance UIFSA follow the patterns of RURESA to require that a foreign nation must have substantially similar law or procedures to either UIFSA, RURESA, or URESA (that is,

⁹ This Convention was the twenty-first session of the Hague Conference on Private International Law, and met from Nov. 5-27, 2007. Final Act of the Twenty-First Session, at 3, available at <http://www.hcch.net/upload/finact21e.pdf> (last visited on Dec. 15, 2010).

reciprocity) in order for its support orders to be treated as if they had been issued by a sister state. ***[A]mended UIFSA 1996 recognizes that in international relations the concept of reciprocity is crucial to acceptance of child support orders by other nations.”) It is pertinent that this twenty-first session in 2007 did not deal with novel concepts. Agreements in this twenty-first session built upon earlier “best features” of earlier Hague Conventions and agreements.¹⁰ Stated succinctly, the objective of the Convention was to “ensure the effective international recovery of child support by *** establishing a comprehensive system of co-operation between the authorities of the Contracting States *** [and] requiring effective measures for the prompt enforcement of maintenance decisions.” Final Act at 3, available at <http://www.hcch.net/upload/finalact21e.pdf>, (last visited Dec. 15, 2010).

In order to comply with the Eight Appellate District’s decision in *Pula*, the Cuyahoga County Domestic Relations Division is contemplating a situation whereby it may transfer the multitude of existing UIFSA and URESA cases involving unmarried parents that have accumulated since 1998 from the Domestic Relations Division to the Juvenile Division. It is worthwhile to point out here that since 1959 when the Domestic Relations Division became a court in Cuyahoga County, it is the sole division that has dealt regularly and extensively with issues of paternity and support under the UIFSA. For this reason alone, it is foreseeable that the transferring of the entire UIFSA and URESA dockets involving unmarried parents may result in

¹⁰ Specifically, the United Nations Convention on the Recovery Abroad of Maintenance of June 2, 1956 and the United Nations Convention on the Rights of the Child of November 20, 1989. *Id.* Prefatory language of the signed agreement includes the following: “The States signatory to the present Convention, [d]esiring to improve co-operation among States for the international recovery of Child support and other forms of family maintenance, [a]ware of the need for procedures which produce results and are accessible, prompt, efficient, cost-effective, responsive and fair, *** [r]ecalling that, in accordance with Articles 3 and 27 of the United Nations *Convention on the Rights of the Child* of 20 November 1989, in all actions concerning children the best interests of the child shall be a primary consideration, *** [h]ave resolved to conclude this Convention and have agreed upon the following provisions –” Final Act, at 3.

chaos for all involved.¹¹ Such a result would have the Domestic Relations Court divest thousands of cases from a court the litigants are familiar with and where the judicial officers have experience with the specialized area of interstate support law as well as familiarity with the underlying facts of each case, to a court the litigants were unfamiliar with, where the judicial officers are not as experienced with interstate support law and have no underlying familiarity with the facts of each case, and for which entirely new case numbers will be assigned, leading to unavoidable confusion. Yet, the legislative intent of the UIFSA is to provide a uniform, simplified, and expeditious means for out-of-state petitioners to present their support claims in Ohio courts.

Shockingly, notwithstanding the plain language of the black letter law and case law, coupled with available legal doctrines, specifically: 1) the rules of statutory construction; 2) the rule of *in pari materia*; 3) the rule relative to interpreting and applying remedial statutes, coupled with the legal standard of protecting what's in the best interest of the child; and factoring in 4) the important objective that family maintenance issues have finality at some point and not be subjected to re-litigation; and finally, 5) considering the unsettling jolt to the affected families and the potential for widely-experienced, negative impact to the legal system, the court in *Pula* found no way to reconcile and harmonize the statutory provisions before it so as to make them consistent, harmonious, and sensible. Appellant's strong assertion is that the decision in *Pula* is contrary to proper application of the rules of statutory construction and all other available, vital considerations. This *cannot* be the intent of the legislature.

¹¹ This review is limited to what could result should this Court affirm the Eighth Appellate District's decision in *Pula*. It does not address the even wider ruling in the Eighth Appellate District's ruling in *Pendergraft*. The Eighth Appellate District in *Pendergraft* held that Cuyahoga County's Domestic Relations Court does not have subject matter jurisdiction to hear any matter under the UIFSA, which includes the domestic relations matters of divorce, legal separation, dissolution and annulment. *Pendergraft*. This Court held its decision and stayed briefing in *Pendergraft*, pending its decision in *Pula*.

The specific grant to the Domestic Relations Division to hear all interstate cases under the URESA, coupled with the fact that the UIFSA is a remedial statute, void of any language divesting the Domestic Relations Court of jurisdiction to hear interstate cases upon the transition from the URESA to the UIFSA, shows the intent of the legislature that subject matter jurisdiction for these type of cases remain with Cuyahoga County's Domestic Relations Court. Read and considered as they should be, i.e., by applying all of the available legal doctrines, the various statutory provisions support the conclusion that, barring an explicit grant of exclusive jurisdiction as is done in Richland and Summit Counties pursuant to R.C. 2301.03(G) and (I), all actions under the UIFSA, including those involving unmarried parents, are properly vested in either Cuyahoga County's Juvenile Court or its Domestic Relations Court. It is the position of the Appellant that all of these factors reasonably and accurately show that the purpose of R.C. 2301.03(L) was to empower, not limit, the authority of the Cuyahoga Domestic Relations Court.

CONCLUSION

Appellant asserts strongly that, given the documented history relative to the various sections under Ohio's UIFSA and R.C. 2301.03(L), and that the UIFSA is remedial in nature, along with all other relevant considerations, there is presented herein accurate, documented, compelling history supporting the argument that the Eight Appellate District's decision in *Pula* is misguided. Given the specific grant of jurisdiction to handle interstate cases under the URESA, combined with many considerations, including: 1) the statutory language granting the Domestic Relations Court concurrent subject matter jurisdiction with Juvenile Court as trial courts of record; 2) the fact that under the URESA and RURESAs, litigation of interstate cases had for years been litigated in Cuyahoga County's Domestic Relations Court; 3) that when the UIFSA became effective, the Domestic Relations Court had a multitude of interstate cases

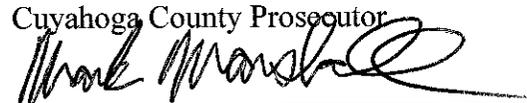
pending, which cases it, by legislative design, continued to exercise jurisdiction over after the UIFSA became effective; 4) and given the UIFSA's stated goal to effect as smooth a transition as possible from the URESA to the UIFSA; it is clear that in Cuyahoga County, subject matter jurisdiction under the UIFSA lies with the Domestic Relations Court, as well as with the Juvenile Court; and taking into consideration all relevant law and factors, this Court should clarify that under the UIFSA, the Cuyahoga County Domestic Relations Court has subject matter jurisdiction to hear all matters, including those involving unmarried parents.

There exists both compelling and sound reasons upon which this Court can rely, comfortably, in reversing the judgment of the Eighth Appellate District in *Pula*. For all of the reasons outlined above, the Appellant urges this honorable Court to do so.

Respectfully submitted,

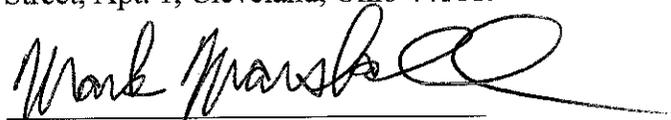
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SERVICE

A copy of the foregoing Merit Brief has been mailed this 17th day of December, 2010 to Adrienne Huanani-Branch, 3010 West 115th Street, Apt. 1, Cleveland, Ohio 44111.


Mark Marshall (#0056126)

NO. 10-0985

IN THE SUPREME COURT OF OHIO

APPEAL FROM
THE COURT OF APPEALS FOR CUYAHOGA COUNTY, OHIO
NO. 93460

RUBY K. PULA, ET AL.,
Plaintiff-Appellant

-vs-

ADRIENNE K. PULA-BRANCH,
Defendant-Appellee

NOTICE OF APPEAL TO THE SUPREME COURT OF OHIO

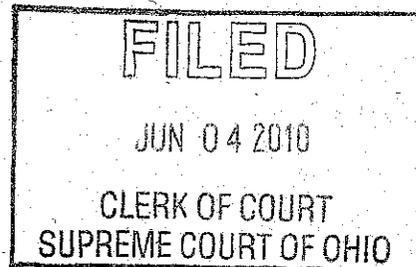
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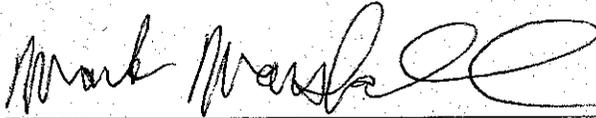
**NOTICE OF APPEAL OF APPELLANT,
THE CUYAHOGA COUNTY CHILD SUPPORT ENFORCEMENT AGENCY**

Now comes the Cuyahoga County Child Support Enforcement Agency (CSEA) and hereby gives Notice of Appeal to the Supreme Court of Ohio from a judgment and final order of the Court of Appeals for Cuyahoga County, Ohio, Eighth Judicial District, journalized in Court of Appeals Case No. CA 93460 on April 21, 2010.

Said cause raises a substantial constitutional question or is a case of public and great general interest.

Respectfully submitted,

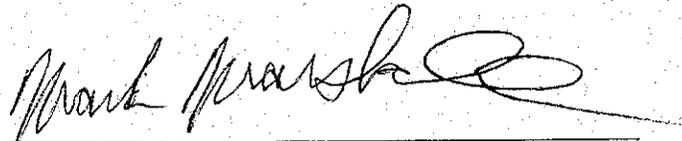
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CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Appeal has been sent by regular U.S. mail this the 3rd day of June, 2010, to Adrienne H. Pula-Branch, 3010 West 115th Street, Cleveland, Ohio 44111.



Mark R. Marshall (#0056126),
Assistant Prosecuting Attorney

APR 21 2010

Court of Appeals of Ohio

10

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 93460



RUBY K. PULA, ET AL.

PLAINTIFFS-APPELLANTS

vs.

ADRIENNE HAUNANI PULA-BRANCH

DEFENDANT-APPELLEE

**JUDGMENT:
REVERSED**

Civil Appeal from the
Cuyahoga County Court of Common Pleas
Domestic Relations Division
Case No. D-323885

BEFORE: McMonagle, P.J., Stewart, J., and Cooney, J.

RELEASED: March 11, 2010

JOURNALIZED: APR 21 2010

VOLO 702 880924



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FILED AND JOURNALIZED
PER APP.R. 22(C)

APR 21 2010

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ANNOUNCEMENT OF DECISION
PER APP.R. 22(B) AND 26(A)
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APR 11 2010

GERALD E. FUERST
CLERK OF THE COURT OF APPEALS
BY SMB DEP.

N.B. This entry is an announcement of the court's decision. See App.R. 22(B) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(C) unless a motion for reconsideration with supporting brief, per App.R. 26(A), or a motion for consideration en banc with supporting brief, per Loc.App.R. 25.1(B)(2), is filed within ten days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(C). See, also, S.Ct. Prac.R. 2:2(A)(1).

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COPIES MAILED TO COUNSEL FOR ALL PARTIES. COSTS TAKED

CHRISTINE T. McMONAGLE, P.J.:

This case originated as an interstate petition for child support filed by the state of Hawaii under the Uniform Interstate Family Support Act, codified in Ohio at R.C. 3115.01 et seq. The petition was brought on behalf of Ruby K. Pula, maternal-grandmother of minor child K.G.P., and sought an order of support from Adrienne Haunani Pula-Branch, the child's mother. K.G.P. was born in Hawaii and lives there with Pula; his mother lives in Cleveland. K.G.P.'s parents never married.

Counsel for Cuyahoga Support Enforcement Agency ("CSEA") filed the petition in the domestic relations division of the Cuyahoga County Common Pleas Court. Pula-Branch did not appear at the subsequent hearing before the magistrate, although she was properly served. At the hearing, CSEA provided information about both the purported father, George E. Gates, and Pula-Branch's incomes for purposes of determining the mother's support obligation.

The magistrate subsequently issued a decision ordering Pula-Branch to pay \$61 per month in child support (\$51 current child support plus \$10 arrearage support). The magistrate's decision found that the birth certificate submitted with the petition identified her as the child's mother. (Although not noted by the magistrate, the birth certificate also identified Gates as the child's father.) The magistrate further found that according to the petition, paternity

VAL0702 PG0926

had been established.¹ Nevertheless, the magistrate concluded that no evidence verifying the establishment of paternity had been submitted to the court. The magistrate concluded that without evidence verifying paternity, it would be inequitable to include the father's income in any child support calculation.

The trial court subsequently overruled CSEA's objections to the magistrate's decision and adopted the decision in its entirety. CSEA appealed from the trial court's decision.

This court sua sponte ordered CSEA to brief the issue of whether the domestic relations court had subject-matter jurisdiction of this matter, because the parents never married, and the person seeking support was not the parent of the child. Because the domestic relations court lacked jurisdiction, we reverse with instructions to the domestic relations court to vacate its order.

I.

"Jurisdiction" means 'the court's statutory or constitutional power to adjudicate the case.' The term encompasses jurisdiction over the subject matter and over the person. Because subject-matter jurisdiction goes to the power of the court to adjudicate the merits of a case, it can never be waived and may be challenged at any time. It is a 'condition precedent to the court's ability to hear

¹Section VIII of the Child Support Enforcement Transmittal form from the Maui branch of Hawaii's Child Support Enforcement Agency indicated that a birth certificate establishing paternity was attached to the petition.

the case. If a court acts without jurisdiction, then any proclamation by that court is void.” *Pratts v. Hurley*, 102 Ohio St.3d 81, 2004-Ohio-1980, 806 N.E.2d 992, ¶11 (internal citations omitted).

II.

Under R.C. 3115.16(B)(1) of the Uniform Interstate Family Support Act, when a “responding tribunal” in Ohio receives a complaint or comparable pleading from an initiating state (in this case Hawaii), it may “to the extent otherwise authorized by law * * * issue or enforce a support order.”

CSEA contends that the domestic relations court was the proper “responding tribunal” in this case because R.C. 3115.01(R) defines “responding tribunal” as “the authorized tribunal in a responding state” and R.C. 3115.01(X) defines “tribunal” as “any trial court of record in this state * * *.” In light of these definitions, CSEA contends that it may bring an action under the Uniform Interstate Family Support Act in any Ohio court, and therefore the domestic relations court had proper jurisdiction of this matter. We disagree, because the statute provides that the responding tribunal must be an “authorized” tribunal and may act only “to the extent otherwise authorized by law.” Although in some counties, a domestic relations court may be an appropriate “responding tribunal” under the Uniform Interstate Family Support Act and authorized to hear cases such as this one, where the parents never married, the domestic relations court

of Cuyahoga County is not authorized to hear and decide cases that do not involve issues relating to a divorce, dissolution, legal separation, or annulment of a marriage.

The Ohio Constitution vests the judicial power of the state in "courts of common pleas and divisions thereof * * * as established by law." Section 1, Article IV, Ohio Constitution. The Ohio General Assembly defines the jurisdiction of the courts of common pleas and their respective divisions. Sections 4(A) and (B), Article IV, Ohio Constitution; *Walters v. Johnson*, 5th Dist. No. 01CA107, 2002-Ohio-2680, citing *Seventh Urban, Inc. v. Univ. Property Dev., Inc.* (1981), 67 Ohio St.2d 19, 423 N.E.2d 1070.

R.C. 3105.011 sets forth the jurisdiction of the domestic relations divisions of the common pleas courts as follows: "The court of common pleas[,] including divisions of courts of domestic relations, has full equitable powers and jurisdiction appropriate to the determination of all domestic relations matters." "This section limits the jurisdiction of the domestic relations division to the determination of domestic relations matters." *Lisboa v. Karner*, 167 Ohio App.3d 359, 2006-Ohio-3024, 855 N.E.2d 136, ¶6.

Although R.C. 3105.011 does not define "domestic relations matters," the Ohio General Assembly set forth the jurisdiction of the domestic relations divisions of the various common pleas courts in Ohio in R.C. 2301.03. As

recognized by the Fifth District, "the Ohio General Assembly was not consistent in its enabling language [of R.C. 2301.03] and tailored the jurisdictions of the domestic relations and juvenile courts to the needs and/or desires of the specific county." *Walters, supra*. Thus, the jurisdiction of Ohio's domestic relations courts may vary from county to county.

With respect to Cuyahoga County, R.C. 2301.03(L)(1) provides that domestic relations court judges in Cuyahoga County "have all the powers relating to all divorce, dissolution of marriage, legal separation, and annulment cases * * *." Thus, with respect to the domestic relations court of Cuyahoga County, "domestic relations matters" within the purview of R.C. 3105.011 is limited to those matters set forth in R.C. 2301.03(L)(1).

The Franklin County Court of Appeals reached a similar conclusion in *Levy v. Levy* (May 2, 1978), 10th Dist. No. 77AP-918. In that case, Doreen Levy cohabitated with, but was not married to, Simon Levy. She sought an equitable division of property between them, which included considering the substantial money and services she had provided to Simon and his company. She brought her claim in domestic relations court, and the trial court dismissed for lack of jurisdiction. The appeals court affirmed. It noted that R.C. 3105.011 confers jurisdiction over "domestic relations matters" in the domestic relations divisions of the common pleas courts. It further found that R.C. 2301.03(A) defines the

jurisdiction of the domestic relations division of the Franklin County Common Pleas Court as including: "all powers relating to juvenile courts * * * all paternity proceedings * * * and all divorce, alimony, and annulment cases." It concluded that with respect to the domestic relations court in Franklin County, "domestic relations matters' within the purview of R.C. 3105.011 [are] limited to those matters set forth in R.C. 2301.03(A)." Thus it concluded that because Doreen's claim did not involve a "domestic relations matter," it could not be brought in the domestic relations court.²

Likewise here, as the interstate petition for child support was not related to a divorce, dissolution of marriage, legal separation, or annulment, the only matters per R.C. 2301.01(L)(1) over which the Cuyahoga County domestic relations judges have jurisdiction, the case did not constitute a "domestic relations matter" within the contemplation of R.C. 3105.011. Accordingly, the domestic relations court did not have jurisdiction over the case³ and, hence, its

²Conversely, in *Walters*, supra, the Fifth Appellate District held that the domestic relations court of Licking County *did* have jurisdiction to hear a custody matter involving a child of unmarried parents because the enabling legislation of R.C. 2301.03(S), setting forth the jurisdiction of the Licking County Domestic Relations Court, provided that the court had jurisdiction to determine "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."

³"[T]he domestic relations court has no jurisdiction with reference to an award of child support which is not given to it by statute * * *." *Bantz v. Bantz* (Feb. 10, 1993), 2nd Dist. No. 92-CA-0073.

support order was void ab initio. We therefore reverse and remand with instructions to the domestic relations court to vacate its order.⁴

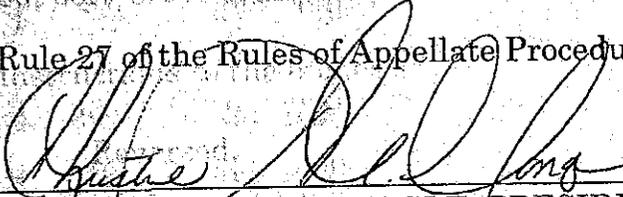
Reversed.

Costs waived.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate be sent to said court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.


CHRISTINE T. McMONAGLE, PRESIDING JUDGE

MELODY J. STEWART, J., and
COLLEEN CONWAY COONEY, J., CONCUR

⁴Under R.C. 2151.23(B)(3), which provides that the juvenile court has original jurisdiction under the Uniform Interstate Family Support Act, this case would be properly brought in juvenile court.

VOLO 702 #00932

Court of Appeals of Ohio, Eighth District

County of Cuyahoga
Gerald E. Fuerst, Clerk of Courts

RUBY K. PULA, ET AL.

Appellant

COA NO.
93460

LOWER COURT NO.
CP D-323885

DOMESTIC RELATIONS

-vs-

ADRIENNE HAUNANI PULA-BRANCH

Appellee

MOTION NO. 432231

Date 04/21/2010

Journal Entry

APPELLANT'S MOTION FOR RECONSIDERATION IS DENIED.

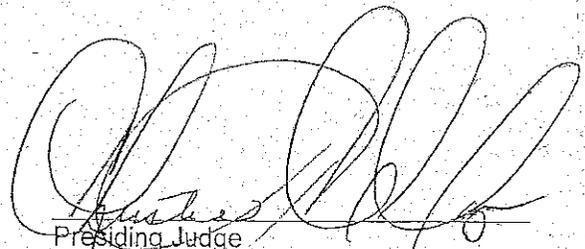
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APR 21 2010

GERALD E. FUERST
CLERK OF THE COURT OF APPEALS
BY *G. Fuerst* DEP.

Judge MELODY J. STEWART, Concur

Judge COLLEEN CONWAY COONEY, Concur


Presiding Judge
CHRISTINE T. MCMONAGLE

VOLO 702 PG 0901

[Appx. 12]

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COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
CUYAHOGA COUNTY, OHIO

Handwritten signature

RUBY K. PULA : Case No: DR08 323885 UIFSA
Petitioner : Judge: CHERYL S. KARNER



- vs. -

ADRIENNE HAYNANI PULA-BRANCH : JUDGMENT ENTRY
Respondent :

This matter came on for hearing March 19, 2009 before Magistrate James R. Tanner, Jr. to whom this matter was referred by Judge Cheryl S. Karner upon the **Petition filed in accordance with the provisions of the Uniform Interstate Family Support Act (U.I.F.S.A.) Revised Code §3155.01 et. seq.** November 18, 2008 from the State of Hawaii, the Respondent having been duly served with civil process according to law. Appearances were made by an Assistant Cuyahoga County Prosecuting Attorney for the Petitioner and the Cuyahoga Support Enforcement Agency (CSEA).

The Court adopts the Magistrate's Decision filed April 16, 2009, in its entirety.

IT IS HEREBY ORDERED:

Objections were filed to the Magistrate's decision pursuant to Civil Rule 53 of the Ohio Rules of Civil Procedure. After consideration of the pleadings, Magistrate's Decision, and objections, said objections are hereby overruled and the decision of the Magistrate hereby adopted.

The Petition filed in accordance with the provisions of the Uniform Interstate Family Support Act (U.I.F.S.A.) Revised Code §3155.01 et. seq. November 18, 2008 from the State of Hawaii is hereby **GRANTED.**

The worksheet used to compute child support and cash medical support under Ohio Revised Code §3119.022 or §3119.023 is attached as Exhibit A.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that when private health insurance IS being provided by a party in accordance with this order for the child named above, the Child Support Obligor shall pay **child support** for the minor child in the sum of \$50.00 per month (\$50.00 per month per child) to the Child Support Oblige, and/or her assignee(s), **plus 2% processing charge.** (Line 29, Child Support Computation Worksheet-Sole Residential Parent or Shared Parenting Order or Line 27, Child Support Computation Worksheet-Split Parental Rights and Responsibilities)



IT IS FURTHER ORDERED, ADJUDGED AND DECREED that when private health insurance IS NOT being provided by a party in accordance with this order for the child named above, the Child Support Obligor shall pay **child support** for the minor child in the sum of \$50.00 per month (\$50.00 per month per child) to the Child Support Oblige, and/or her assignee(s), for the minor child, **plus 2% processing charge.** (Line 29, Child Support Computation Worksheet-Sole Residential Parent or Shared Parenting Order or Line 27, Child Support Computation Worksheet-Split Parental Rights and Responsibilities)

The Court finds that the Child Support Obligor's total annual gross income (Line 7a, Child Support Computation Worksheet) is less than 150% of the federal poverty guideline for an individual. Pursuant to Ohio Revised Code §3119.30(C) the cash medical support obligation is zero.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that when private health insurance IS NOT being provided by a party in accordance with this order for the child named above, the Child Support Obligor shall pay **cash medical support** in the sum of \$0.00 per month (\$0.00 per month per child), **plus 2% processing charge.** (Line 31, Child Support Computation Worksheet-Sole Residential Parent or Shared Parenting Order or Line 29, Child Support Computation Worksheet-Split Parental Rights and Responsibilities)

If private health insurance coverage is being provided and becomes unavailable or is terminated, the Child Support Obligor **SHALL BEGIN** paying cash medical support commencing the first day of the month immediately following the month in which private health insurance coverage became unavailable or is terminated, and **SHALL CEASE** paying cash medical support on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes. Cash medical support shall be paid in addition to child support.

As of March 31, 2009 the arrearage is \$459.00. This sum includes all accrued child support, cash medical support, spousal support, and processing charges. This sum supercedes all prior determinations of arrearage.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Child Support Obligor shall pay an additional \$10.00 per month toward the existing arrearage.

Total monthly order is \$61.00 when health insurance is provided.

**This includes: \$51.00 current child support (including 2% processing charge)
\$10.00 arrearage payment (including 2% processing charge).**

Total monthly order is \$61.00 when health insurance is not provided.

**This includes: \$51.00 current child support (including 2% processing charge)
\$ 0.00 current cash medical support (including 2% processing charge)
\$10.00 arrearage payment (including 2% processing charge).**

All support shall be paid through Ohio Child Support Payment Central (OCSPC), P.O. Box 182372, Columbus, Ohio 43218-2372. Any payments not made through OCSPC shall not be considered as payment of support. Checks or money orders shall be made payable to "OCSPC". Cash payments to OCSPC may be made at the Cuyahoga County Treasurer's Office, County Administration Building, 1st Floor - Cashier, 1219 Ontario Street, Cleveland, Ohio 44113. All payments shall include the following: Obligor's name, Social Security Number, SETS case number, and Domestic Relations Court case number.

All support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with Chapters 3119., 3121., 3123., and 3125. of the Revised Code or a withdrawal directive issued pursuant to

sections 3123.24 to 3123.38 of the Revised Code and shall be forwarded to the obligee in accordance with Chapters 3119., 3121., 3123., and 3125. of the Revised Code.

To secure the support obligations, the Court finds that the Child Support Obligor receives income from an income source. A withholding notice shall issue in the amount of \$61.00 per month.

INCOME SOURCE Dollar Rent A Car Systems, Inc.
ADDRESS P.O. Box 283
St. Louis, Mo. 63166

The income source shall be notified not to withhold a total amount, including all fees, in excess of the amount allowed under Section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(B).

Until the income source begins withholding in the appropriate amount, the Child Support Obligor shall make payments directly to OCSPC.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Obligor immediately notify the CSEA, in writing, of any change in employment (including self-employment), receipt of additional income/monies or termination of benefit. The Obligor shall include a description of the nature of the employment and the name, business address and telephone number of any employer. The Obligor shall immediately notify the CSEA of any change in the status of an account from which support is being deducted or the opening of a new account with any financial institution.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the child support **OBLIGOR** pay 100% of the costs of the health care needs of the child that exceed the amount of cash medical support ordered to be paid, if any, when private health insurance coverage is not available or is not being provided in accordance with this order, OR of the uninsured health care costs or co-payment or deductible cost required under the health insurance policy, contract, or plan that covers the child, when private health insurance coverage is being provided in accordance with this order.

Private Health Insurance Findings

A list of any private health insurance policies, contracts or plans available to the parties including a description of any private health insurance in which the Child Support Obligor, the Child Support Oblige, and the child are enrolled (Private Health Insurance Questionnaire) is attached hereto.

The Court finds that neither parent has private health insurance available to cover the child.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Child Support Obligor and the Child Support Oblige shall immediately inform the CSEA if private health insurance coverage for the child becomes available to either the Obligor or the Oblige. The CSEA shall determine if the private health insurance is available at a reasonable cost and if coverage is reasonable, order the Obligor or the Oblige to obtain private health insurance.

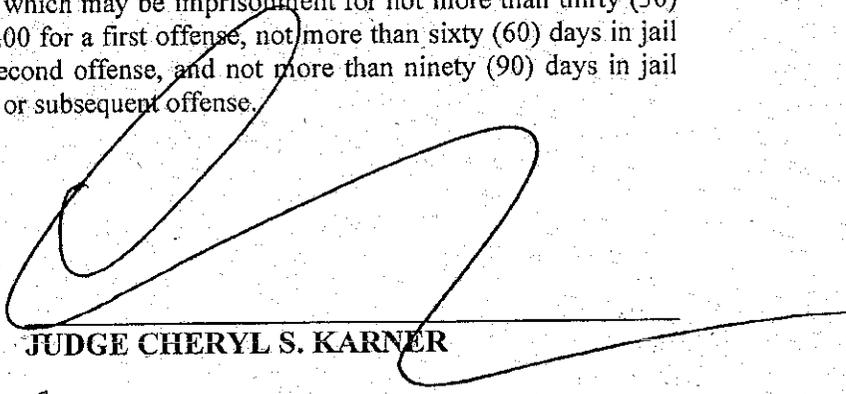
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Child Support Obligor and the Child Support Oblige shall comply with the request of the CSEA in advance of an administrative review of a support order to provide the following: copy of federal income tax return from the previous year, copy of all pay stubs within the preceding six (6) months, copy of all other records evidencing the receipt of any other salary, wages or compensation within the preceding six (6) months, and, if the Obligor is a member of the uniformed services and on active military duty, a copy of the Obligor's Internal Revenue Service Form W-2, "Wage and Tax Statement," and a copy of a statement detailing the Obligor's earnings and leave with the uniformed services. The Child Support Obligor and the Child Support Oblige shall also provide a list of available group health insurance and health care

**DOCUMENT NOT SCANNED
PURSUANT TO SUPERINTENDENCE
RULE 45**

IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

Failure to comply with this support order can result in a contempt action; and, as provided in Ohio Revised Code §2705.05, the penalty for which may be imprisonment for not more than thirty (30) days in jail and/or fine of not more than \$250.00 for a first offense, not more than sixty (60) days in jail and/or fine of not more than \$500.00 for a second offense, and not more than ninety (90) days in jail and/or not more than \$1,000.00 fine for a third or subsequent offense.

Costs adjudged against Respondent.



JUDGE CHERYL S. KARNER

cc: Lawrence Pajalucki, Esq.
Assistant Prosecuting Attorney
CSEA

Adrianne Haynes Pula - Branch
Respondent

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MAY 15 2009

GERALD E. FUERST, CLERK
By *[Signature]* Deputy

THE STATE OF OHIO Cuyahoga County	SS. I. GERALD E. FUERST, CLERK OF THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRUE AND COPIED FROM THE ORIGINAL	
NOW DONE IN MY OFFICE WITNESS MY HAND AND SEAL OF SAID COURT THIS 10 DAY OF October A.D. 2009	
GERALD E. FUERST, Clerk	
By <i>[Signature]</i>	Deputy

(Amended Senate Bill No. 145)

AN ACT

To amend sections 2301.02 and 2301.03 of the Revised Code to provide for a division of domestic relations in the court of common pleas of Cuyahoga and Lake counties, to provide for the election of judges thereto and to increase the number of judges of the court of common pleas of Tuscarawas, Ashtabula, Greene, Portage, and Scioto counties.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2301.02 and 2301.03 of the Revised Code be amended to read as follows:

Number of judges for each county; terms of office; vacancies.

Sec. 2301.02. The number of judges for each county, the time for the next election of said judges in the several counties, and the beginning of their terms shall be as follows:

(A) In Adams, Ashland, Fayette, *** Pike, and Ross counties, one judge, elected in 1956, term to begin February 9, 1957;

In *** Athens, Brown, Crawford, Defiance, Delaware, Fairfield, Highland, Holmes, Lawrence, Licking, Miami, Morgan, Ottawa, Union, and Warren counties, one judge, in 1954, term to begin February 9, 1955;

In Auglaize county, one judge, in 1956, term to begin January 9, 1957;

In Clermont, Coshocton, *** Darke, Erie, Fulton, Gallia, Geauga, Guernsey, Hardin, Jackson, Knox, Logan, Madison, Medina, Mercer, Monroe, Morrow, Paulding, *** Seneca, *** Vinton, Wayne, Wood and Wyandot counties, one judge, in 1956, term to begin January 1, 1957;

In Carroll, Champaign, Clinton, Hancock, Hecking, *** Marion, Meigs, Pickaway, Preble, Shelby, Van Wert, Washington, and Williams counties, one judge, in 1952, term to begin January 1, 1953;

In Harrison and Noble counties, one judge, in 1954, term to begin April 18, 1955;

In Henry and Putnam counties, one judge, in 1956, term to begin May 9, 1957;

In Huron county, one judge, in 1952, term to begin May 14, 1953;

In Muskingum county, one judge, in 1956, term to begin August 9, 1957;

In Perry county, one judge, in 1954, term to begin July 6, 1956;

In Sandusky *** county, one judge, in 1954, term to begin February 10, 1955;

(B) In Allen county, two judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1958, term to begin January 1, 1959;

In Ashtabula county, two judges, one to be elected in 1954, term to begin February 9, 1955, one to be elected in 1960, term to begin January 1, 1961;

In Greene county, two judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1960, term to begin January 1, 1961;

In Lake county, two judges, one to be elected in 1958, term to begin January 1, 1959, the second to be elected in 1960; term to begin January 2, 1961;

In Portage county, two judges, one to be elected in 1956, term to begin January 1, 1957, the second to be elected in 1960, term to begin January 1, 1961;

In Scioto county, two judges, one to be elected in 1954, term to begin February 10, 1955, the second to be elected in 1960, term to begin January 1, 1961;

In Belmont and Jefferson counties, two judges, in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively;

In Clark county, two judges, one to be elected in 1952, term to begin January 1, 1953, the second to be elected in 1956, term to begin January 2, 1957;

In Columbiana county, two judges, one to be elected in 1952, term to begin January 1, 1953, the second to be elected in 1956, term to begin January 1, 1957;

In Lorain county, three judges, two to be elected in 1952, terms to begin January 1, 1953, and January 2, 1953, respectively, and one to be elected in 1958, term to begin January 3, 1959;

In Trumbull county, three judges, one to be elected in 1952, term to begin January 1, 1953, the second to be elected in 1954, term to begin January 1, 1955, and the third to be elected in 1956, term to begin January 1, 1957;

In Butler county, three judges, one to be elected in 1956, term to begin January 1, 1957, and two judges to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively;

In Richland county, two judges, one to be elected in 1956, term to begin January 1, 1957, the second to be elected in 1960, term to begin February 9, 1961;

In Tuscarawas county, two judges, one to be elected in 1956, term to begin January 1, 1957, and the second to be elected in 1960, term to begin January 2, 1961.

(C) In Cuyahoga county, *** *twenty-one* judges; eight to be elected in 1954, terms to begin on successive days beginning from January 1, 1955, to January 7, 1955, inclusive, and February 9, 1955, respectively; eight to be elected in 1956, terms to begin on successive days beginning from January 1, 1957, to January 8, 1957, inclusive; *** three to be elected in 1952, terms to begin from January 1, 1953, to January 3, 1953, inclusive; and two to be elected in 1960, terms to begin on January 8, 1961, and January 9, 1961, respectively;

In Franklin county, ten judges; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; four to be elected in 1956, terms to begin January 1, 1957, to January 4, 1957, inclusive; and four to be elected in 1958, terms to begin January 1, 1959, to January 4, 1959, inclusive;

In Hamilton county, twelve judges; seven to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, and from February 9, 1955, to February 13, 1955, inclusive, respectively; five to be elected in 1956, terms to begin from January 1, 1957, to January 5, 1957, inclusive;

In Lucas county, six judges; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; two to be elected in 1956, terms to begin January 1, 1957, and October 29, 1957, respectively; and two to be elected in 1952, terms to begin January 1, 1953, and January 2, 1953, respectively;

In Mahoning county, five judges; three to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, and February 9, 1955, respectively; one to be elected in 1956, term to begin January 1, 1957; and one to be elected in 1952, term to begin January 1, 1953;

In Montgomery county, seven judges; three to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, and January 3, 1955, respectively; and four to be elected in 1952, terms to begin January 1, 1953, January 2, 1953, July 1, 1953, July 2, 1953, respectively;

In Stark county, five judges; one to be elected in 1958, term to begin on January 2, 1959; two to be elected in 1954, terms to begin on January 1, 1955, and February 9, 1955, respectively; and two to be elected in 1952, terms to begin January 1, 1953, and April 16, 1953, respectively;

In Summit county, seven judges; four to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, January 3, 1955, and February 9, 1955, respectively; and three to be elected in 1958, terms to begin January 1, 1959, January 2, 1959, and May 17, *** 1959, respectively.

Notwithstanding the foregoing provisions, in any county having two or more judges of the court of common pleas, in which more than one third of such judges plus one were previously elected at the same election, should the office of one such judge so elected become vacant more than forty days prior to the second general election preceding the expiration of such judge's term, the office which such judge had filled shall be abolished as of the date of the next general election and a new office of judge of the court of common pleas shall be created. The judge who is to fill such new office shall be elected for a six year term at the next general election and his term shall commence on the first day of the year following such general election, on which day no other judge's term begins so that the number of judges which such county shall elect shall not be reduced.

Judges of the court of domestic relations; juvenile relations.

Sec. 2301.03. (A) In Franklin county, the judges of the court of common pleas whose terms begin on January 1, 1953, and January 2, 1953, 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 Franklin county, and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which the juvenile court has jurisdiction, and all divorce and alimony cases shall be assigned to such judges. In addition to his regular duties, the judge who is senior in

point of service shall serve on the child welfare board, the county advisory board, and shall be the administrator of the domestic relations court, its subdivisions and departments.

(B) In Hamilton county, the judge of the court of common pleas, whose term begins on January 1, 1957, and successors, shall be the juvenile judge as provided in sections 2151.01 to *** 2151.67, inclusive, and 2151.99 of the Revised Code, with powers and jurisdiction conferred by such chapter and the judge of the court of common pleas whose term begins on January 5, 1957, and successors shall be elected and designated as a judge of the court of common pleas, division of domestic relations, and shall have assigned to him all divorce and alimony cases coming before such court. In addition to his regular duties, such judge of the court of common pleas, division of domestic relations, shall be the administrator of the domestic relations court, its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of said division of the court engaged in handling, or servicing, or investigating divorce and alimony cases, including any referees deemed necessary by said judge in the discharge of his various duties.

The judge shall also designate the title, compensation, expense allowances, hours, leaves of absence and vacations of the personnel of said division, and the judge shall fix the duties of such personnel. The duties of such personnel, in addition to those provided for in other sections of the Revised Code, shall include the handling, servicing, and investigation of divorce and alimony cases and counselling and conciliation services which may be made available to persons requesting them, regardless of whether or not such persons are parties to an action pending in the court.

The board of county commissioners shall appropriate such sum of money each year as will meet all the administrative expenses of the court of domestic relations, including reasonable expenses of the domestic relations judge and such court counselors and other employees as he may designate to conduct the handling, servicing, and investigation of divorce and alimony cases, conciliation and domestic relations counselling, and all matters in relation thereto, as well as the expenses involved in the attendance of court personnel at domestic relations and welfare conferences designated by said court, and such further sum each year as will provide for the adequate operation of said court of domestic relations.

The compensation and expenses of all employees and the salary and expenses of the judge shall be paid by the county treasurer from the money appropriated for the operation of the court, upon the warrant of the county auditor, certified to by the judge.

The summons, warrants, citations, subpoenas, and other writs of the court may issue to a bailiff, constable, or staff investigator of the court, or to the sheriff of any county or any marshal, constable, or police officer; and the provisions of law relating to the subpoenaing of witnesses in other cases shall apply in so far as they are applicable. When a summons, warrant, citation, subpoena, or other writ is issued to such officer, other than a bailiff, constable or staff investigator of the court, the expense of serving the same shall be assessed as a part of the costs in the case involved.

(C) In Lorain county, the judge of the court of common pleas whose term begins on January 3, 1959, and successors shall have the same quali-

fications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. He shall have all the powers relating to juvenile courts, and all cases under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which the juvenile court has jurisdiction, and all divorce and alimony cases shall be assigned to such judge except in such cases as should for some special reason be assigned to some other judge of the court of common pleas.

(D) In Lucas county, the judge of the court of common pleas whose term begins on January 1, 1955, 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, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. He shall have all the powers relating to juvenile courts, and all cases under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases, and all divorces and alimony cases shall be assigned to such judge.

(E) In Mahoning county, the judge of the court of common pleas whose term begins on January 1, 1955, 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 Mahoning county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. All juvenile court work arising under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all divorce and alimony cases, and cases involving the care and custody of children shall be assigned to such judge.

(F) In Montgomery county, the judges of the court of common pleas whose terms begin on January 1, 1953, and January 2, 1953, and successors shall be elected and designated as judges of the court of common pleas, division of domestic relations. All the powers provided for in section 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, relating to juvenile courts shall be exercised by said judges, and there shall be assigned to such judges all juvenile court work, all divorce and alimony cases, and cases involving the care and custody of children, with concurrent jurisdiction in all criminal matters.

The judge of the division of domestic relations, junior in point of service, shall have charge of the employment and supervision of the personnel of said division of the court engaged in handling or servicing or investigating divorce and alimony cases including any necessary referees.

The judge of the division of domestic relations, senior in point of service, shall be charged with the assignment and division of the work of said division of the court and the employment and supervision of all other personnel of said division of the court, except those employees who may be appointed by the judge, junior in point of service, under this section and sections 2301.12, 2301.18, and 2301.19 of the Revised Code. The judge, senior in point of service, shall serve as administrator of the bureau of aid to dependent children and shall serve in each and every position where the statutes permit or require a juvenile judge to serve.

(G) In Richland county, the judge of the court of common pleas whose term begins on January 1, 1957, and successors shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Richland county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. He shall have all the powers relating to juvenile courts, and all cases under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which the juvenile court has jurisdiction, and all divorce and alimony cases shall be assigned to such judge except in such cases as should for some special reason be assigned to some other judge of the court of common pleas.

(H) In Stark county, the judges of the court of common pleas whose terms begin on January 1, 1953, and January 2, 1959, 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 Stark county, and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which the juvenile court has jurisdiction, and all divorce and alimony cases, except such cases as should be assigned to some other judge of the court of common pleas for some special reason, shall be assigned to such judges.

The judge of the division of domestic relations, junior in point of service, shall have charge of the employment and supervision of the personnel of said division of the court engaged in handling or servicing or investigating divorce and alimony cases and necessary referees required for his respective court.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the administration of sections 2151.13, 2151.16, 2151.17, and 2151.18 of the Revised Code, and with the assignment and division of the work of said division of the court and the employment and supervision of all other personnel of said division of the court, including, but not limited to, his necessary referees, but excepting therefrom those employees who may be appointed by the judge junior in point of service. Said senior judge shall further serve as administrator of the bureau of aid to dependent children and shall serve in each and every other position where the statutes permit or require a juvenile judge to serve.

(I) In Summit county, the judge of the court of common pleas whose term begins on January 1, 1955, 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 Summit county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. All the powers provided for in sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, relating to juvenile courts shall be exercised by said judge and there shall be assigned to such judge all juvenile court work.

(J) In Trumbull county, the judge of the court of common pleas whose term begins on January 1, 1953, 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 Trumbull county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. He shall have all the powers relating to juvenile courts, and all cases under section 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which juvenile court has jurisdiction, and all divorce and alimony cases shall be assigned to such judge except in such cases as should for some special reason be assigned to some other judge of the court of common pleas.

(K) In Butler county, the judge of the court of common pleas whose term begins on January 1, 1957, 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 Butler county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. He shall have all the powers relating to juvenile courts. All cases under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which the juvenile court has jurisdiction, and all divorce and alimony cases, shall be assigned to such judge except in such cases as should for some special reason be assigned to some other judge of the court of common pleas.

(L) In Cuyahoga county, the judges of the court of common pleas whose terms begin on January 8, 1961, and January 9, 1961, and successors shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Cuyahoga county, and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to all divorce and alimony cases, except as such cases as should be assigned to some other judges of the court of common pleas for some special reason.

(M) In Lake county, the judge of the court of common pleas whose term begins January 2, 1961, and successors shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Lake county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. He shall have all the powers relating to juvenile courts, and all cases under sections 2151.01 to 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which the juvenile court has jurisdiction, and all divorce and alimony cases shall be assigned to such judge except in such cases as should for some special reason be assigned to some other judge of the court of common pleas.

If a judge of the court of common pleas, division of domestic relations, or juvenile judge, of any of the counties mentioned in the section is sick, absent, unable to perform his duties, or the volume of cases pending in his court necessitates it, such duties shall be performed by another judge of the court of common pleas of that county, assigned for said purpose by the chief justice or presiding judge of the common pleas court of that county to act in place of or in conjunction with such judge, as the case may require.

Repeal.

SECTION 2. That existing sections 2301.02 and 2301.03 of the Revised Code are hereby repealed.

JAMES A. LANTZ,
Speaker of the House of Representatives.

JOHN W. DONAHEY,
President of the Senate.

Passed July 9, 1959.

Approved July 20, 1959.

MICHAEL V. DiSALLE,
Governor.

The sectional numbers herein are in conformity with the Revised Code:

OHIO LEGISLATIVE SERVICE COMMISSION
CHARLES W. INGLER, *Director*

Filed in the office of the Secretary of State at Columbus, Ohio, on the 21st day of July, A.D. 1959.

TED W. BROWN,
Secretary of State.

File No. 180.

Effective October 20, 1959.

(Amended Senate Bill No. 154)

AN ACT

To amend section 2127.11 of the Revised Code relative to summary land sale proceeding.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2127.11 of the Revised Code be amended to read as follows:

Summary proceeding if value of land less than one thousand dollars.

Sec. 2127.11. When the actual market value of a decedent's or ward's real estate which is to be sold is less than *** *one thousand* dollars and the court so finds, it may by summary order authorize the sale and conveyance of the land at private sale, on such terms as it deems proper, and in such proceeding all requirements of sections 2127.01 to 2127.43, inclusive, of the Revised Code, as to service of summons, appraisal, and additional bond shall be waived.

AN ACT

To amend sections 149.43, 169.03, 169.08, 329.12, 1336.07, 1336.08, 1349.01, 1533.82, 2105.18, 2151.23, 2151.231, 2151.33, 2151.49, 2301.34, 2301.35, 2301.353, 2301.356, 2301.357, 2301.358, 2301.36, 2301.37, 2301.371, 2301.373, 2301.374, 2705.02, 2919.21, 2919.231, 3103.03, 3103.031, 3105.18, 3105.21, 3107.01, 3107.06, 3107.064, 3109.05, 3109.12, 3109.19, 3111.02, 3111.03, 3111.04, 3111.06, 3111.07, 3111.09, 3111.12, 3111.13, 3111.20, 3111.22, 3111.23, 3111.24, 3111.241, 3111.242, 3111.25, 3111.26, 3111.27, 3111.28, 3111.37, 3111.99, 3113.04, 3113.07, 3113.21, 3113.211, 3113.212, 3113.213, 3113.215, 3113.216, 3113.217, 3113.218, 3113.219, 3113.31, 3113.99, 3317.02, 3705.07, 3705.09, 3705.16, 3727.17, 3770.071, 3924.48, 3924.49, 3317.02, 4141.16, 4141.28, 5101.26, 5101.28, 5101.31, 5101.311, 5101.312, 5101.322, 5101.323, 5101.324, 5101.37, 5101.99, 5104.01, 5104.34, 5107.14, 5107.20, and 5153.16; to amend for purposes of adopting a new section number 2105.18 (5101.314); to revive section 2301.355; to enact new sections 3111.21, 3113.214, 3115.01, 3115.02, 3115.03, 3115.04, 3115.05, 3115.06, 3115.07, 3115.08, 3115.09, 3115.10, 3115.11, 3115.12, 3115.13, 3115.14, 3115.15, 3115.16, 3115.17, 3115.18, 3115.19, 3115.20, 3115.21, 3115.22, 3115.23, 3115.24, 3115.25, 3115.26, 3115.27, 3115.28, 3115.29, 3115.30, 3115.31, 3115.32, 3115.33, and 3115.34, and sections 2151.232, 2301.375, 2301.43, 2301.44, 2301.45, 2301.46, 3105.72, 3109.042, 3111.111, 3111.211, 3111.221, 3111.231, 3115.35, 3115.36, 3115.37, 3115.38, 3115.39, 3115.40, 3115.41, 3115.42, 3115.43, 3115.44, 3115.45, 3115.46, 3115.47, 3115.48, 3115.49, 3115.50, 3115.51, 3115.52, 3115.53, 3115.54, 3115.55, 3115.56, 3115.57, 3115.58, 3115.59, 3705.091, 5101.315, 5101.316, 5101.317, 5101.318, 5101.319, 5101.325, 5101.326, and 5101.327; and to repeal sections 329.043, 2301.351, 2301.352, 2301.42, 3111.21, 3113.214, 3115.01, 3115.02, 3115.03, 3115.04, 3115.05, 3115.06, 3115.07, 3115.08, 3115.09, 3115.10, 3115.11, 3115.12, 3115.13, 3115.14, 3115.15, 3115.16, 3115.17, 3115.18, 3115.19, 3115.20, 3115.21, 3115.22, 3115.23, 3115.24, 3115.25, 3115.26, 3115.27, 3115.28, 3115.29, 3115.30, 3115.31, 3115.32, 3115.33, 3115.34, 3701.042, and 5153.164 of the Revised Code to make changes to the laws governing child support, and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 149.43, 169.03, 169.08, 329.12, 1336.07, 1336.08, 1349.01, 1533.82, 2105.18, 2151.23, 2151.231, 2151.33, 2151.49, 2301.34, 2301.35, 2301.353, 2301.356, 2301.357, 2301.358, 2301.36, 2301.37, 2301.371, 2301.373, 2301.374, 2705.02, 2919.21, 2919.231, 3103.03, 3103.031, 3105.18, 3105.21, 3107.01, 3107.06, 3107.064, 3109.05, 3109.12, 3109.19, 3111.02, 3111.03, 3111.04, 3111.06, 3111.07, 3111.09, 3111.12, 3111.13, 3111.20, 3111.22, 3111.23, 3111.24, 3111.241, 3111.242, 3111.25, 3111.26, 3111.27, 3111.28, 3111.37, 3111.99, 3113.04, 3113.07, 3113.21, 3113.211, 3113.212, 3113.213, 3113.215, 3113.216, 3113.217, 3113.218, 3113.219, 3113.31, 3113.99, 3317.02, 3705.07, 3705.09, 3705.16, 3727.17, 3770.071, 3924.48, 3924.49, 4141.16, 4141.28, 5101.26, 5101.28, 5101.31, 5101.311, 5101.312, 5101.322, 5101.323, 5101.324, 5101.37, 5101.99, 5104.01, 5104.34, 5107.14, 5107.20, and 5153.16 be amended; section 2105.18 (5101.314) be amended for the purpose of adopting a new section number as indicated in the parentheses; section 2301.355 be revived; and new

sections 3111.21, 3113.214, 3115.01, 3115.02, 3115.03, 3115.04, 3115.05, 3115.06, 3115.07, 3115.08, 3115.09, 3115.10, 3115.11, 3115.12, 3115.13, 3115.14, 3115.15, 3115.16, 3115.17, 3115.18, 3115.19, 3115.20, 3115.21, 3115.22, 3115.23, 3115.24, 3115.25, 3115.26, 3115.27, 3115.28, 3115.29, 3115.30, 3115.31, 3115.32, 3115.33, and 3115.34, and sections 2151.232, 2301.375, 2301.43, 2301.44, 2301.45, 2301.46, 3105.72, 3109.042, 3111.111, 3111.211, 3111.221, 3111.231, 3115.35, 3115.36, 3115.37, 3115.38, 3115.39, 3115.40, 3115.41, 3115.42, 3115.43, 3115.44, 3115.45, 3115.46, 3115.47, 3115.48, 3115.49, 3115.50, 3115.51, 3115.52, 3115.53, 3115.54, 3115.55, 3115.56, 3115.57, 3115.58, 3115.59, 3705.091, 5101.315, 5101.316, 5101.317, 5101.318, 5101.319, 5101.325, 5101.326, and 5101.327 of the Revised Code be enacted to read as follows:

Sec. 149.43. (A) As used in this section:

- (1) "Public record" means any record that is kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, except that "public record" does not mean any of the following:
 - (a) Medical records;
 - (b) Records pertaining to probation and parole proceedings;
 - (c) Records pertaining to actions under section 2151.85 of the Revised Code and to appeals of actions arising under that section;
 - (d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;
 - (e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of human services or, pursuant to section 5101.313 of the Revised Code, the division of child support in the department or a child support enforcement agency;
 - (f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;
 - (g) Trial preparation records;
 - (h) Confidential law enforcement investigatory records;
 - (i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;
 - (j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;
 - (k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;
 - (l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;

(3)(a) A provider of hospital, surgical, or medical services, or a collection agency, may report to a consumer reporting agency, for inclusion in the credit file or credit report of that party, any information relative to the nonpayment of expenses for the services incurred by the provider, if the nonpayment is the result of the failure of the party responsible for obtaining health insurance coverage to obtain such coverage.

(b) A consumer reporting agency may include in the credit file or credit report of the party responsible for obtaining health insurance coverage, any information relative to the nonpayment of any hospital, surgical, or medical expenses incurred by a provider, if the nonpayment is the result of the failure of that party to obtain health insurance coverage.

(4) If any information described in division (D)(2) of this section is placed in the credit file or credit report of the former spouse or person responsible for the children, the consumer reporting agency shall remove the information from the credit file and credit report if the former spouse or person responsible for the children provides the agency with the information required in divisions (B)(1) and (2) of this section. If the agency fails to remove the information from the credit file or credit report pursuant to the terms of the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C. 1681a, within a reasonable time after receiving the information required by divisions (B)(1) and (2) of this section, the former spouse may initiate an action to require the agency to remove the information.

If any information described in division (D)(3) of this section is placed in the party's credit file or credit report, the party has the burden of proving that the party is not responsible for obtaining the health insurance coverage or, if responsible, that the expenses incurred are not covered expenses. If the party meets that burden, the agency shall remove the information from the party's credit file and credit report immediately. If the agency fails to remove the information from the credit file or credit report immediately after the party meets the burden, the party may initiate an action to require the agency to remove the information.

Sec. 1533.82. (A) On receipt of a notice pursuant to section 2301.373 of the Revised Code, the chief of the division of wildlife shall comply with that section with respect to a license or permit issued pursuant to section 1533.23, 1533.34, 1533.342, 1533.39, 1533.40, 1533.51, 1533.631, 1533.71, 1533.72, or 1533.81 of the Revised Code.

(B) On receipt of a notice pursuant to section 2301.375 Of the Revised Code, the chief of the division of wildlife shall comply with that section with respect to a license, permit, or stamp issued pursuant to section 1533.10, 1533.11, 1533.111, 1533.112, or 1533.32 Of the Revised Code.

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

(1) Concerning any child who on or about the date specified in the complaint is alleged to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child;

(2) Subject to division (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state;

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

(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122, of the Revised Code, if the court has probable cause to believe that a child otherwise

within the jurisdiction of the court is a mentally ill person subject to hospitalization by court order, as defined in section 5122.01 of the Revised Code;

(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;

(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, 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, division (B) of section 2919.23, or section 2919.24 of the Revised Code;

(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;

(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;

(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;

(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;

(11) Subject to division (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;

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

(13) Concerning an action commenced under section 2151.55 of the Revised Code.

(B) The juvenile court has original jurisdiction under the Revised Code:

(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;

(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.19 of the Revised Code;

(3) Under the uniform ~~reciprocal enforcement of~~ interstate family support act in Chapter 3115. of the Revised Code;

(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;

(5) To hear and determine an action commenced under section 5101.314 Of the Revised Code.

SECTION 2 . That existing sections 149.43, 169.03, 169.08, 329.12, 1336.07, 1336.08, 1349.01, 1533.82, 2105.18, 2151.23, 2151.231, 2151.33, 2151.49, 2301.34, 2301.35, 2301.353, 2301.356, 2301.357, 2301.358, 2301.36, 2301.37, 2301.371, 2301.373, 2301.374, 2705.02, 2919.21, 2919.231, 3103.03, 3103.031, 3105.18, 3105.21, 3107.01, 3107.06, 3107.064, 3109.05, 3109.12, 3109.19, 3111.02, 3111.03, 3111.04, 3111.06, 3111.07, 3111.09, 3111.12, 3111.13, 3111.20, 3111.22, 3111.23, 3111.24, 3111.241, 3111.242, 3111.25, 3111.26, 3111.27, 3111.28, 3111.37, 3111.99, 3113.04, 3113.07, 3113.21, 3113.211, 3113.212, 3113.213, 3113.215, 3113.216, 3113.217, 3113.218, 3113.219, 3113.31, 3113.99, 3317.02, 3705.07, 3705.09, 3705.16, 3727.17, 3770.071, 3924.48, 3924.49, 4141.16, 4141.28, 5101.26, 5101.28, 5101.31, 5101.311, 5101.312, 5101.322, 5101.323, 5101.324, 5101.37, 5101.99, 5104.01, 5104.34, 5107.14, 5107.20, and 5153.16, and sections 329.043, 2301.351, 2301.352, 2301.42, 3111.21, 3113.214, 3115.01, 3115.02, 3115.03, 3115.04, 3115.05, 3115.06, 3115.07, 3115.08, 3115.09, 3115.10, 3115.11, 3115.12, 3115.13, 3115.14, 3115.15, 3115.16, 3115.17, 3115.18, 3115.19, 3115.20, 3115.21, 3115.22, 3115.23, 3115.24, 3115.25, 3115.26, 3115.27, 3115.28, 3115.29, 3115.30, 3115.31, 3115.32, 3115.33, 3115.34, and 3701.042 of the Revised Code are hereby repealed.

SECTION 3 . The General Assembly recognizes that in certain instances, the wording of this act differs from that of the Uniform Interstate Family Support Act approved by the National Conference of Commissioners on Uniform State Laws. Any such dissimilarity denotes a technical change or is made to reflect the intent of the Commissioners as expressed in the Comments to the Uniform Interstate Family Support Act.

SECTION 4 . Sections 1 through 3 of this act, except for sections 329.12, 3317.02, 5101.26, 5101.28, 5101.312, 5104.01, 5104.34, 5107.14, and 5153.16 of the Revised Code, shall take effect January 1, 1998. Sections 329.12, 3317.02, 5101.26, 5101.28, 5101.312, 5104.01, 5104.34, 5107.14, and 5153.16 of the Revised Code, as amended by this act, shall take effect October 1, 1997.

SECTION 5 . Section 5153.164 of the Revised Code is hereby repealed. This repeal is identical to the repeal of section 5153.164 of the Revised Code by Am. Sub. H.B. 215 of the 122nd General Assembly and is intended to confirm that such was the result intended by the General Assembly. Uncertainty as to the status of section 5153.164 of the Revised Code occurred because, while Am. Sub. H.B. 215, which repealed the section, was passed on June 25, 1997, another act, Sub. H.B. 408 of the 122nd General Assembly, which amended the section, was passed one day later, on June 26, 1997. It was not the intent of the General Assembly by enacting Sub. H.B. 408 to revive section 5153.164 of the Revised Code.

SECTION 6 . Section 2301.355 of the Revised Code, which is presented in this act in all capital letters, is revived by this act. Section 5 of Am. Sub. S.B. 292 of the 121st General Assembly repealed Section 3 of Am. Sub. S.B. 10 of the 119th General Assembly, which latter section repealed section 2301.355 of the Revised Code effective October 1, 1996. Section 5 of Am. Sub. S.B. 292, however, did not become effective until November 6, 1996, after the repeal of section 2301.355 of the Revised Code by Section 3 of Am. Sub. S.B. 10 had taken effect on October 1, 1996. While legislative intent to retain section 2301.355 of the Revised Code is explicit in Section 5 of Am. Sub. S.B. 292, efficacy of the legislative intent is uncertain because Ohio Constitution, Article II, Section 15(D) states that repealed sections may not be revived "unless the new act contains the entire act revived," and section 2301.355 of the Revised Code are not set forth in their entirety in Am. Sub. S.B. 292. This act, in confirmation of the legislative intent stated in Section 5 of Am. Sub. S.B. 292, revives section 2301.355 of the Revised Code by setting forth the section in its entirety.

SECTION 7 . Section 2301.34 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 274 and Am. Sub. S.B. 292 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Sections 2919.21 and 2919.231 of the Revised Code are presented in this act as composites of the sections as amended by both Sub. H.B. 274

(Amended Substitute House Bill Number 514)

AN ACT

To amend sections 2119.03, 2151.23, 2301.03, 2303.201, 2329.66, 2743.66, 2907.01, 3105.01, 3105.03, 3105.04, 3105.06, 3105.091, 3105.10, 3105.17, 3105.18, 3105.21, 3105.63, 3105.65, 3109.04, 3109.05, 3109.06, 3111.06, 3113.21, 3113.215, 3117.05, 3117.07, 3117.08, 3517.13, 3770.071, and 5101.31, and to enact section 3105.171 of the Revised Code to modify the domestic relations law to provide for spousal support and the division of marital property and separate property, instead of for alimony, to clarify that certain changes made in section 3109.05 of the Revised Code by Am. Sub. H.B. 591 of the 118th General Assembly were not substantive changes but were intended only to conform the section to changes made in it by Am. Sub. H.B. 15 of the 118th General Assembly on that act's effective date of May 31, 1990, and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2119.03, 2151.23, 2301.03, 2303.201, 2329.66, 2743.66, 2907.01, 3105.01, 3105.03, 3105.04, 3105.06, 3105.091, 3105.10, 3105.17, 3105.18, 3105.21, 3105.63, 3105.65, 3109.04, 3109.05, 3109.06, 3111.06, 3113.21, 3113.215, 3117.05, 3117.07, 3117.08, 3517.13, 3770.071, and 5101.31 be amended and section 3105.171 of the Revised Code be enacted to read as follows:

Sec. 2119.03. The trustee appointed under section 2119.01 of the Revised Code may proceed without order of the probate court:

(A) To take possession of the property of the absentee wherever situated within the state;

(B) To collect all debts due to the absentee;

(C) To retain and invest the estate in accordance with Chapters 2113. to 2125., inclusive, of the Revised Code.

jurisdictions conferred by that chapter. The judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile court and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of his various duties.

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

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform his 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.

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

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

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

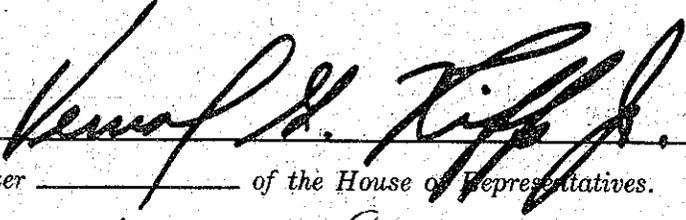
(b) Sole determination of compensation, duties, expenses, allowances, hours, leaves, and vacations.

(3) "Division personnel" include persons employed or referees engaged in hearing, servicing, investigating, counseling, or conciliating divorce, dissolution, ~~alimony~~ LEGAL SEPARATION, and annulment matters.

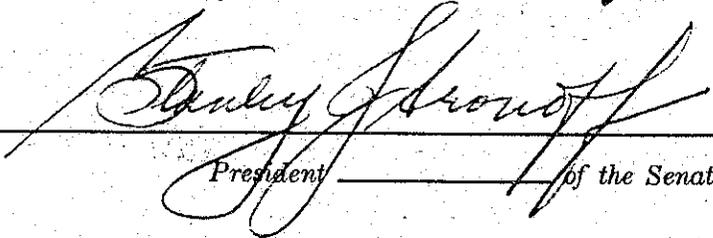
(M) In Lake county:

(1) The judge of the court of common pleas whose term begins on January 2, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lake county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. The judge shall have assigned to him all the divorce, dissolution, ~~alimony~~ LEGAL SEPARATION, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge

the language of that division to changes in the division that were enacted in Am. Sub. H.B. 15 of the 118th General Assembly, and that the conforming changes were intended to take effect on May 31, 1990, and were not intended to affect the authority of a court, on or after April 12, 1990, and prior to May 31, 1990, to issue an order or decree permitting a noncustodial parent of a child to visit the child or to grant reasonable companionship or visitation rights to any other person having an interest in the welfare of the child. Therefore, this act shall go into immediate effect.



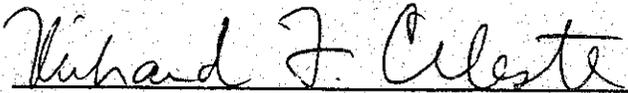
Speaker _____ of the House of Representatives.



President _____ of the Senate.

Passed July 20, 1990

Approved August 13, 1990
10:55 AM



Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Robert S. Head

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 13th day of August, A. D. 1990.

Smart Brown

Secretary of State.

File No. 276

Effective Date August 13, 1990

(Certain sections effective other than August 13, 1990.)

Section 2151.23 of the Revised Code is amended by this act (effective January 1, 1991) and also by Am. Sub. S.B. 258 of the 118th General Assembly. Sections 2301.03 and 2743.66 of the Revised Code are amended by this act (effective January 1, 1991) and also by Sub. H.B. 837 of the 118th General Assembly. Comparison of these amendments in pursuance of section 1.52 of the Revised Code discloses that they are not irreconcilable, so that they are required by that section to be harmonized on January 1, 1991, to give effect to each amendment.

Robert S. Head

Director, Legislative Service Commission

-CITE-

28 USC CHAPTER 115 - EVIDENCE; DOCUMENTARY

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART V - PROCEDURE
CHAPTER 115 - EVIDENCE; DOCUMENTARY

-HEAD-

CHAPTER 115 - EVIDENCE; DOCUMENTARY

-MISCL-

- Sec.
1731. Handwriting.
1732. Record made in regular course of business;
photographic copies.
1733. Government records and papers; copies.
1734. Court record lost or destroyed generally. (!1)
1735. Court record lost or destroyed where United States
interested.
1736. Congressional Journals.
1737. Copy of officer's bond.
1738. State and Territorial statutes and judicial
proceedings; full faith and credit.
1738A. Full faith and credit given to child custody
determinations.
1738B. Full faith and credit for child support orders.
1738C. Certain acts, records, and proceedings and the effect
thereof.
1739. State and Territorial nonjudicial records; full faith
and credit.
1740. Copies of consular papers.
1741. Foreign official documents.
[1742. Repealed.]
1743. Demand on postmaster.
1744. Copies of United States Patent and Trademark Office
documents generally. (!1)
1745. Copies of foreign patent documents.
1746. Unsworn declarations under penalty of perjury.

AMENDMENTS

1999 - Pub. L. 106-113, div. B, Sec. 1000(a)(9) [title IV, Sec. 4732(b)(15)(A)], Nov. 29, 1999, 113 Stat. 1536, 1501A-584, which directed the amendment of item 1744 by substituting "United States Patent and Trademark Office" for "Patent Office", was executed by making the substitution for "patent office" to reflect the probable intent of Congress.

1996 - Pub. L. 104-199, Sec. 2(b), Sept. 21, 1996, 110 Stat. 2419, added item 1738C.

1994 - Pub. L. 103-383, Sec. 3(b), Oct. 20, 1994, 108 Stat. 4066, added item 1738B.

1980 - Pub. L. 96-611, Sec. 8(b), Dec. 28, 1980, 94 Stat. 3571, added item 1738A.

1976 - Pub. L. 94-550, Sec. 1(b), Oct. 18, 1976, 90 Stat. 2534, added item 1746.

1964 - Pub. L. 88-619, Secs. 5(b), 6(b), 7(b), Oct. 3, 1964, 78 Stat. 996, substituted "official documents" for "documents generally; copies" in item 1741, inserted "[Repealed]" in item 1742, and substituted "documents" for "specifications and drawings" in item 1745.

[Appx. 36]

section 1738A, (i) wrongfully removed the child from the physical custody of such person, or (ii) wrongfully retained the child after a visit or other temporary relinquishment of physical custody; or

"(B) the court determines it is appropriate."

-End-

-CITE-

28 USC Sec. 1738B

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART V - PROCEDURE
CHAPTER 115 - EVIDENCE; DOCUMENTARY

-HEAD-

Sec. 1738B. Full faith and credit for child support orders

-STATUTE-

(a) General Rule. - The appropriate authorities of each State -
(1) shall enforce according to its terms a child support order made consistently with this section by a court of another State; and

(2) shall not seek or make a modification of such an order except in accordance with subsections (e), (f), and (i).

(b) Definitions. - In this section:

"child" means -

(A) a person under 18 years of age; and

(B) a person 18 or more years of age with respect to whom a child support order has been issued pursuant to the laws of a State.

"child's State" means the State in which a child resides.

"child's home State" means the State in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than 6 months old, the State in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month period.

"child support" means a payment of money, continuing support, or arrearages or the provision of a benefit (including payment of health insurance, child care, and educational expenses) for the support of a child.

"child support order" -

(A) means a judgment, decree, or order of a court requiring the payment of child support in periodic amounts or in a lump sum; and

(B) includes -

(i) a permanent or temporary order; and

(ii) an initial order or a modification of an order.

"contestant" means -

(A) a person (including a parent) who -

(i) claims a right to receive child support;

(ii) is a party to a proceeding that may result in the

issuance of a child support order; or
(iii) is under a child support order; and

(B) a State or political subdivision of a State to which the right to obtain child support has been assigned.

"court" means a court or administrative agency of a State that is authorized by State law to establish the amount of child support payable by a contestant or make a modification of a child support order.

"modification" means a change in a child support order that affects the amount, scope, or duration of the order and modifies, replaces, supersedes, or otherwise is made subsequent to the child support order.

"State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and Indian country (as defined in section 1151 of title 18).

(c) Requirements of Child Support Orders. - A child support order made by a court of a State is made consistently with this section if -

(1) a court that makes the order, pursuant to the laws of the State in which the court is located and subsections (e), (f), and (g) -

(A) has subject matter jurisdiction to hear the matter and enter such an order; and

(B) has personal jurisdiction over the contestants; and

(2) reasonable notice and opportunity to be heard is given to the contestants.

(d) Continuing Jurisdiction. - A court of a State that has made a child support order consistently with this section has continuing, exclusive jurisdiction over the order if the State is the child's State or the residence of any individual contestant unless the court of another State, acting in accordance with subsections (e) and (f), has made a modification of the order.

(e) Authority To Modify Orders. - A court of a State may modify a child support order issued by a court of another State if -

(1) the court has jurisdiction to make such a child support order pursuant to subsection (i); and

(2) (A) the court of the other State no longer has continuing, exclusive jurisdiction of the child support order because that State no longer is the child's State or the residence of any individual contestant; or

(B) each individual contestant has filed written consent with the State of continuing, exclusive jurisdiction for a court of another State to modify the order and assume continuing, exclusive jurisdiction over the order.

(f) Recognition of Child Support Orders. - If 1 or more child support orders have been issued with regard to an obligor and a child, a court shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction and enforcement:

(1) If only 1 court has issued a child support order, the order of that court must be recognized.

(2) If 2 or more courts have issued child support orders for the same obligor and child, and only 1 of the courts would have

continuing, exclusive jurisdiction under this section, the order of that court must be recognized.

(3) If 2 or more courts have issued child support orders for the same obligor and child, and more than 1 of the courts would have continuing, exclusive jurisdiction under this section, an order issued by a court in the current home State of the child must be recognized, but if an order has not been issued in the current home State of the child, the order most recently issued must be recognized.

(4) If 2 or more courts have issued child support orders for the same obligor and child, and none of the courts would have continuing, exclusive jurisdiction under this section, a court having jurisdiction over the parties shall issue a child support order, which must be recognized.

(5) The court that has issued an order recognized under this subsection is the court having continuing, exclusive jurisdiction under subsection (d).

(g) Enforcement of Modified Orders. - A court of a State that no longer has continuing, exclusive jurisdiction of a child support order may enforce the order with respect to nonmodifiable obligations and unsatisfied obligations that accrued before the date on which a modification of the order is made under subsections (e) and (f).

(h) Choice of Law. -

(1) In general. - In a proceeding to establish, modify, or enforce a child support order, the forum State's law shall apply except as provided in paragraphs (2) and (3).

(2) Law of state of issuance of order. - In interpreting a child support order including the duration of current payments and other obligations of support, a court shall apply the law of the State of the court that issued the order.

(3) Period of limitation. - In an action to enforce arrears under a child support order, a court shall apply the statute of limitation of the forum State or the State of the court that issued the order, whichever statute provides the longer period of limitation.

(i) Registration for Modification. - If there is no individual contestant or child residing in the issuing State, the party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another State shall register that order in a State with jurisdiction over the nonmovant for the purpose of modification.

-SOURCE-

(Added Pub. L. 103-383, Sec. 3(a), Oct. 20, 1994, 108 Stat. 4064; amended Pub. L. 104-193, title III, Sec. 322, Aug. 22, 1996, 110 Stat. 2221; Pub. L. 105-33, title V, Sec. 5554, Aug. 5, 1997, 111 Stat. 636.)

-MISC1-

AMENDMENTS

1997 - Subsec. (f)(4). Pub. L. 105-33, Sec. 5554(1), substituted "a court having jurisdiction over the parties shall issue a child support order, which must be recognized." for "a court may issue a child support order, which must be recognized."

Subsec. (f)(5). Pub. L. 105-33, Sec. 5554(2), inserted "under subsection (d)" after "jurisdiction".

[Appx. 39]

1996 - Subsec. (a)(2). Pub. L. 104-193, Sec. 322(1), substituted "subsections (e), (f), and (i)" for "subsection (e)".

Subsec. (b). Pub. L. 104-193, Sec. 322(2), inserted par. defining "child's home State".

Subsec. (c). Pub. L. 104-193, Sec. 322(3), inserted "by a court of a State" before "is made" in introductory provisions.

Subsec. (c)(1). Pub. L. 104-193, Sec. 322(4), inserted "and subsections (e), (f), and (g)" after "located".

Subsec. (d). Pub. L. 104-193, Sec. 322(5), inserted "individual" before "contestant" and substituted "subsections (e) and (f)" for "subsection (e)".

Subsec. (e). Pub. L. 104-193, Sec. 322(6), substituted "modify a child support order issued" for "make a modification of a child support order with respect to a child that is made" in introductory provisions.

Subsec. (e)(1). Pub. L. 104-193, Sec. 322(7), inserted "pursuant to subsection (i)" after "order".

Subsec. (e)(2). Pub. L. 104-193, Sec. 322(8), inserted "individual" before "contestant" in subpars. (A) and (B) and substituted "with the State of continuing, exclusive jurisdiction for a court of another State to modify the order and assume" for "to that court's making the modification and assuming" in subpar. (B).

Subsec. (f). Pub. L. 104-193, Sec. 322(10), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 104-193, Sec. 322(11), substituted "Modified" for "Prior" in heading and "subsections (e) and (f)" for "subsection (e)" in text.

Pub. L. 104-193, Sec. 322(9), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 104-193, Sec. 322(12), inserted "including the duration of current payments and other obligations of support" before comma in par. (2) and "arrears under" after "enforce" in par. (3).

Pub. L. 104-193, Sec. 322(9), redesignated subsec. (g) as (h).

Subsec. (i). Pub. L. 104-193, Sec. 322(13), added subsec. (i).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-33 effective as if included in enactment of title III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193, see section 5557 of Pub. L. 105-33, set out as a note under section 608 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1996 AMENDMENT

For effective date of amendment by Pub. L. 104-193, see section 395(a)-(c) of Pub. L. 104-193, set out as a note under section 654 of Title 42, The Public Health and Welfare.

CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE

Section 2 of Pub. L. 103-383 provided that:

"(a) Findings. - The Congress finds that -

"(1) there is a large and growing number of child support cases annually involving disputes between parents who reside in different States;

"(2) the laws by which the courts of different jurisdictions determine their authority to establish child support orders are not uniform;

"(3) those laws, along with the limits imposed by the Federal system on the authority of each State to take certain actions

outside its own boundaries -

"(A) encourage noncustodial parents to relocate outside the States where their children and the custodial parents reside to avoid the jurisdiction of the courts of such States, resulting in an increase in the amount of interstate travel and communication required to establish and collect on child support orders and a burden on custodial parents that is expensive, time consuming, and disruptive of occupations and commercial activity;

"(B) contribute to the pressing problem of relatively low levels of child support payments in interstate cases and to inequities in child support payments levels that are based solely on the noncustodial parent's choice of residence;

"(C) encourage a disregard of court orders resulting in massive arrearages nationwide;

"(D) allow noncustodial parents to avoid the payment of regularly scheduled child support payments for extensive periods of time, resulting in substantial hardship for the children for whom support is due and for their custodians; and

"(E) lead to the excessive relitigation of cases and to the establishment of conflicting orders by the courts of various jurisdictions, resulting in confusion, waste of judicial resources, disrespect for the courts, and a diminution of public confidence in the rule of law; and

"(4) among the results of the conditions described in this subsection are -

"(A) the failure of the courts of the States to give full faith and credit to the judicial proceedings of the other States;

"(B) the deprivation of rights of liberty and property without due process of law;

"(C) burdens on commerce among the States; and

"(D) harm to the welfare of children and their parents and other custodians.

"(b) Statement of Policy. - In view of the findings made in subsection (a), it is necessary to establish national standards under which the courts of the various States shall determine their jurisdiction to issue a child support order and the effect to be given by each State to child support orders issued by the courts of other States.

"(c) Purposes. - The purposes of this Act [enacting this section and provisions set out as a note under section 1 of this title] are

"(1) to facilitate the enforcement of child support orders among the States;

"(2) to discourage continuing interstate controversies over child support in the interest of greater financial stability and secure family relationships for the child; and

"(3) to avoid jurisdictional competition and conflict among State courts in the establishment of child support orders."

-End-

-CITE-

28 USC Sec. 1738C

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

[Appx. 41]

C

Baldwin's Ohio Revised Code Annotated Currentness

General Provisions

▣ Chapter 1. Definitions; Rules of Construction (Refs & Amos)

▣ General Provisions

→ **1.11 Liberal construction of remedial laws**

Remedial laws and all proceedings under them shall be liberally construed in order to promote their object and assist the parties in obtaining justice. The rule of the common law that statutes in derogation of the common law must be strictly construed has no application to remedial laws; but this section does not require a liberal construction of laws affecting personal liberty, relating to amercement, or of a penal nature.

CREDIT(S)

(1953 H 1, eff. 10-1-53; GC 10214)

CROSS REFERENCES

Liberal construction of civil rights laws, 4112.08
Liberal construction of collective bargaining laws, 4117.22
Marketable Title Act, liberal construction of, 5301.55
Torrens Act, liberal construction of, 5310.21

LIBRARY REFERENCES

Statutes ↪ 236.
Westlaw Topic No. 361.
C.J.S. Statutes § 377.

RESEARCH REFERENCES

ALR Library

124 ALR 86, Amendment of Process or Pleading by Changing or Correcting Mistake in Name of Party.

Encyclopedias

OH Jur. 3d Cvl. Servants & Pub. Officers & Employ. § 417, Actions to Compel Payment of Money Held; Amercement.

C

Baldwin's Ohio Revised Code Annotated Currentness

General Provisions

▣ Chapter 1. Definitions; Rules of Construction (Refs & Annos)

▣ Statutory Provisions (Refs & Annos)

→ **1.47 Intentions in the enactment of statutes**

In enacting a statute, it is presumed that:

(A) Compliance with the constitutions of the state and of the United States is intended;

(B) The entire statute is intended to be effective;

(C) A just and reasonable result is intended;

(D) A result feasible of execution is intended.

CREDIT(S)

(1971 H 607, eff. 1-3-72)

LIBRARY REFERENCES

Constitutional Law ↪ 48.

Statutes ↪ 212.

Westlaw Topic Nos: 92, 361.

C.J.S. Constitutional Law § 95.

C.J.S. Statutes § 310.

RESEARCH REFERENCES

ALR Library

113 ALR 1179, What Amounts to Conviction or Satisfies Requirement as to Showing of Conviction, Within Statute Making Conviction a Ground for Refusing to Grant or for Canceling License or Special Privilege.

Encyclopedias

C

Baldwin's Ohio Revised Code Annotated Currentness

General Provisions

▣ Chapter 1. Definitions; Rules of Construction (Refs & Annos)

▣ Statutory Provisions (Refs & Annos)

→ 1.49 Aids in construction of ambiguous statutes

If a statute is ambiguous, the court, in determining the intention of the legislature, may consider among other matters:

- (A) The object sought to be attained;
- (B) The circumstances under which the statute was enacted;
- (C) The legislative history;
- (D) The common law or former statutory provisions, including laws upon the same or similar subjects;
- (E) The consequences of a particular construction;
- (F) The administrative construction of the statute.

CREDIT(S)

(1971 H 607, eff. 1-3-72)

LIBRARY REFERENCES

Statutes ↪ 181(2), 184, 190, 215, 217.4, 219(2).

Westlaw Topic No. 361.

C.J.S. Statutes §§ 316, 318, 321, 338, 340, 344.

RESEARCH REFERENCES

Encyclopedias

OH Jur. 3d Business Relationships § 1273, Distribution on Partner's Withdrawal.

Baldwin's Ohio Revised Code Annotated Currentness
General Provisions

▣ Chapter 1. Definitions; Rules of Construction (Refs & Annos)

▣ Statutory Provisions (Refs & Annos)

➔ **1.51 Special or local provision prevails over general; exception**

If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.

CREDIT(S)

(1971 H 607, eff. 1-3-72)

CROSS REFERENCES

Exemption of certain vehicles from emission, noise control, or fuel usage standards, 4513.41

Scope and applicability of civil rules, see Civ R 1

LIBRARY REFERENCES

Statutes ~~C=~~223.4.

Westlaw Topic No. 361.

C.J.S. Statutes § 355.

R.C. § 2101.24

Baldwin's Ohio Revised Code Annotated Currentness
Title XXI. Courts--Probate--Juvenile (Refs & Annos)
*Chapter 2101. Probate Court--Jurisdiction; Procedure (Refs & Annos)
*Practice and Procedure; Jurisdiction
➔**2101.24 Jurisdiction of probate court**

(A)(1) Except as otherwise provided by law, the probate court has exclusive jurisdiction:

- (a) To take the proof of wills and to admit to record authenticated copies of wills executed, proved, and allowed in the courts of any other state, territory, or country. If the probate judge is unavoidably absent, any judge of the court of common pleas may take proof of wills and approve bonds to be given, but the record of these acts shall be preserved in the usual records of the probate court.
- (b) To grant and revoke letters testamentary and of administration;
- (c) To direct and control the conduct and settle the accounts of executors and administrators and order the distribution of estates;
- (d) To appoint the attorney general to serve as the administrator of an estate pursuant to section 2113.06 of the Revised Code;
- (e) To appoint and remove guardians, conservators, and testamentary trustees, direct and control their conduct, and settle their accounts;
- (f) To grant marriage licenses;
- (g) To make inquests respecting persons who are so mentally impaired as a result of a mental or physical illness or disability, or mental retardation, or as a result of chronic substance abuse, that they are unable to manage their property and affairs effectively, subject to guardianship;
- (h) To qualify assignees, appoint and qualify trustees and commissioners of insolvents, control their conduct, and settle their accounts;
- (i) To authorize the sale of lands, equitable estates, or interests in lands or equitable estates, and the assignments of inchoate dower in such cases of sale, on petition by executors, administrators, and guardians;
- (j) To authorize the completion of real estate contracts on petition of executors and administrators;
- (k) To construe wills;
- (l) To render declaratory judgments, including, but not limited to, those rendered pursuant to section 2107.084 of the Revised Code;
- (m) To direct and control the conduct of fiduciaries and settle their accounts;
- (n) To authorize the sale or lease of any estate created by will if the estate is held in trust, on petition by the trustee;
- (o) To terminate a testamentary trust in any case in which a court of equity may do so;
- (p) To hear and determine actions to contest the validity of wills;
- (q) To make a determination of the presumption of death of missing persons and to adjudicate the property rights and obligations of all parties affected by the presumption;

- (r) To hear and determine an action commenced pursuant to section 3107.41 of the Revised Code to obtain the release of information pertaining to the birth name of the adopted person and the identity of the adopted person's biological parents and biological siblings;
- (s) To act for and issue orders regarding wards pursuant to section 2111.50 of the Revised Code;
- (t) To hear and determine actions against sureties on the bonds of fiduciaries appointed by the probate court;
- (u) To hear and determine actions involving informed consent for medication of persons hospitalized pursuant to section 5122.141 or 5122.15 of the Revised Code;
- (v) To hear and determine actions relating to durable powers of attorney for health care as described in division (D) of section 1337.16 of the Revised Code;
- (w) To hear and determine actions commenced by objecting individuals, in accordance with section 2133.05 of the Revised Code;
- (x) To hear and determine complaints that pertain to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment in connection with certain patients allegedly in a terminal condition or in a permanently unconscious state pursuant to division (E) of section 2133.08 of the Revised Code, in accordance with that division;
- (y) To hear and determine applications that pertain to the withholding or withdrawal of nutrition and hydration from certain patients allegedly in a permanently unconscious state pursuant to section 2133.09 of the Revised Code, in accordance with that section;
- (z) To hear and determine applications of attending physicians in accordance with division (B) of section 2133.15 of the Revised Code;
- (aa) To hear and determine actions relative to the use or continuation of comfort care in connection with certain principals under durable powers of attorney for health care, declarants under declarations, or patients in accordance with division (E) of either section 1337.16 or 2133.12 of the Revised Code;
- (bb) To hear and determine applications for an order relieving an estate from administration under section 2113.03 of the Revised Code;
- (cc) To hear and determine applications for an order granting a summary release from administration under section 2113.031 of the Revised Code ;
- (dd) To hear and determine actions relating to the exercise of the right of disposition, in accordance with section 2108.90 of the Revised Code;
- (ee) To hear and determine actions relating to the disinterment and reinterment of human remains under section 517.23 of the Revised Code.
- (2) In addition to the exclusive jurisdiction conferred upon the probate court by division (A)(1) of this section, the probate court shall have exclusive jurisdiction over a particular subject matter if both of the following apply:
- (a) Another section of the Revised Code expressly confers jurisdiction over that subject matter upon the probate court.
- (b) No section of the Revised Code expressly confers jurisdiction over that subject matter upon any other court or agency.

(B)(1) The probate court has concurrent jurisdiction with, and the same powers at law and in equity as, the general division of the court of common pleas to issue writs and orders, and to hear and determine actions as follows:

(a) If jurisdiction relative to a particular subject matter is stated to be concurrent in a section of the Revised Code or has been construed by judicial decision to be concurrent, any action that involves that subject matter;

(b) Any action that involves an inter-vivos trust; a trust created pursuant to section 5815.28 of the Revised Code; a charitable trust or foundation; subject to divisions (A)(1)(u) and (z) of this section, a power of attorney, including, but not limited to, a durable power of attorney; the medical treatment of a competent adult; or a writ of habeas corpus.

(2) Any action that involves a concurrent jurisdiction subject matter and that is before the probate court may be transferred by the probate court, on its order, to the general division of the court of common pleas.

(C) The probate court has plenary power at law and in equity to dispose fully of any matter that is properly before the court, unless the power is expressly otherwise limited or denied by a section of the Revised Code.

(D) The jurisdiction acquired by a probate court over a matter or proceeding is exclusive of that of any other probate court, except when otherwise provided by law.

CREDIT(S)

(2006 H 426, eff. 10-12-06; 2006 H 416, eff. 1-1-07; 2000 H 313, eff. 8-29-00; 1995 H 167, eff. 11-15-95; 1992 S 124, eff. 4-16-93; 1991 S 1; 1990 H 764; 1989 S 46; 1985 S 135; 1984 H 84; 1978 H 505; 1977 S 112, H 1; 1976 S 466; 1975 S 145; 130 v H 804; 129 v 7; 127 v 27; 125 v 903; 1953 H 1; GC 10501-53, 10501-55)

UNCODIFIED LAW

1992 S 124, § 8, eff. 4-16-93, reads: In enacting sections 1339.51 and 5111.15 and in amending sections 2101.24, 5119.01, 5121.04, 5121.10, 5123.04, 5123.18, and 5123.28 of the Revised Code, the General Assembly hereby declares its intent to supersede the effect of the holding of the Ohio Supreme Court in the December 31, 1968, decision in Bureau of Support v. Kreitzer (1968), 16 Ohio St. 2d 147.

1975 S 145, § 3, eff. 11-28-75 reads: Sections 1 and 2 of this act shall take effect on January 1, 1976, and apply only to estates resulting from deaths that occur on and after that date.

R.C. § 2151.07

Baldwin's Ohio Revised Code Annotated CurrentnessTitle XXI. Courts--Probate--Juvenile (Refs & Annos)* Chapter 2151. Juvenile Courts--General Provisions (Refs & Annos)* Administration, Officials, and Jurisdiction* **2151.07 Creation and powers of juvenile court; assignment of judge**

The juvenile court is a court of record within the court of common pleas. The juvenile court has and shall exercise the powers and jurisdiction conferred in Chapters 2151. and 2152. of the Revised Code.

Whenever the juvenile judge of the juvenile court is sick, is absent from the county, or is unable to attend court, or the volume of cases pending in court necessitates it, upon the request of the administrative juvenile judge, the presiding judge of the court of common pleas pursuant to division (EE) of section 2301.03 of the Revised Code shall assign a judge of any division of the court of common pleas of the county to act in the juvenile judge's place or in conjunction with the juvenile judge. If no judge of the court of common pleas is available for that purpose, the chief justice of the supreme court shall assign a judge of the court of common pleas, a juvenile judge, or a probate judge from a different county to act in the place of that juvenile judge or in conjunction with that juvenile judge. The assigned judge shall receive the compensation and expenses for so serving that is provided by law for judges assigned to hold court in courts of common pleas.

CREDIT(S)

(2007 S 155, eff. 12-21-07; 2003 H 86, eff. 11-13-03; 2003 H 26, eff. 8-8-03; 2001 H 11, § 3, eff. 1-1-02; 2000 S 179, § 3, eff. 1-1-02; 1972 H 574, eff. 6-29-72; 1969 H 320; 127 v 847; 1953 H 1; GC 1639-7)

HISTORICAL AND STATUTORY NOTES

Ed. Note: Guidelines for Assignment of Judges were announced by the Chief Justice of the Ohio Supreme Court on 5-24-88, and revised 2-25-94 and 3-25-94, but not adopted as rules pursuant to Const Art IV, § 5. For the full text, see 37 OS(3d) xxxix, 61 OBar A-2 (6-13-88), and 69 OS(3d) xcix, 67 OBar xiii (4-18-94).

Pre-1953 H 1 Amendments: 122 v S 50

Amendment Note: 2007 S 155 substituted "(EE)" for "(DD)" in the second paragraph.

Amendment Note: 2003 H 86 substituted "(DD)" for "(CC)" in the second paragraph.

Amendment Note: 2003 H 26 substituted "(CC)" for "(BB)" in the second paragraph of the section.

Amendment Note: 2001 H 11, § 3 substituted "(BB)" for "(AA)".

Amendment Note: 2000 S 179, § 3, eff. 1-1-02, rewrote this section, which prior thereto read:

"The juvenile court is a court of record and within the division of domestic relations or probate of the court of common pleas, except that the juvenile courts of Cuyahoga county and Hamilton county shall be separate divisions of the court of common pleas. The juvenile court has and shall exercise the powers and jurisdiction conferred in sections 2151.01 to 2151.99 of the Revised Code.

"Whenever the juvenile judge of the juvenile court is absent from the county, or is unable to attend court, or the volume of cases pending in court necessitates it, upon the request of said judge, the presiding judge of the court of common pleas shall assign a judge of the court of common pleas of the county to act in his place or in conjunction with him. If no such judge is available for said purpose,

[Appx. 49]

the chief justice of the supreme court shall assign a judge of the court of common pleas, a juvenile judge, or a probate judge from some other county to act in the place of such judge or in conjunction with him, who shall receive such compensation and expenses for his services as is provided by law for judges assigned to hold court in courts of common pleas."

CROSS REFERENCES

Compensation and expenses of judges holding court outside county of residence, 141.07

Cuyahoga county juvenile court administrative judge shall be clerk of court, may appoint deputies and clerks, bonds, 2153.08

LIBRARY REFERENCES

Courts ~~6~~ 50, 70, 174.

Westlaw Topic No. 106.

C.J.S.-Courts §§ 106, 123.

R.C. § 2151.23

Baldwin's Ohio Revised Code Annotated CurrentnessTitle XXI. Courts--Probate--Juvenile (Refs & Annos)

- ▣ Chapter 2151. Juvenile Courts--General Provisions (Refs & Annos)

- ▣ Administration, Officials, and Jurisdiction

- ➔ **2151.23 Jurisdiction of juvenile court; orders for child support**

(A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows:

- (1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly or delinquent child for being an habitual or chronic truant;
- (2) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state;
- (3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;
- (4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to hospitalization by court order, as defined in section 5122.01 of the Revised Code;
- (5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;
- (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;
- (7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;
- (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;
- (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;
- (10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;
- (11) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;

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

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

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

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

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

(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:

(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;

(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;

(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;

(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;

(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;

(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;

(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.

(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;

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

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

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

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

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

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

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

(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the transfer of the case for criminal prosecution, whether the conviction is for the same degree or a lesser degree of the offense charged, for the commission of a lesser-included offense, or for the commission of another offense that is different from the offense charged.

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

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

CREDIT(S)

(2010 H 10, eff. 6-17-10; 2008 H 214 §5, eff. 5-14-08; 2007 S 10, eff. 1-1-08; 2006 S 238, eff. 9-21-06; 2004 S 185, eff. 4-11-05; 2004 H 38, eff. 6-17-04; 2001 S 3, eff. 1-1-02; 2000 S 179, § 3, eff. 1-1-02; 2000 S 180, eff. 3-22-01; 2000 S 218, eff. 3-15-01; 2000 H 583, eff. 6-14-00; 2000 S 181, eff. 9-4-00; 1997 H 352, eff. 1-1-98; 1997 H 215, eff. 6-30-97; 1996 H 124, eff. 3-31-97; 1996 H 377, eff. 10-17-96; 1996 S 269, eff. 7-1-96; 1996 H 274, eff. 8-8-96; 1995 H 1, eff. 1-1-96; 1993 H 173, eff. 12-31-93; 1993 S 21; 1992 S 10; 1990 S 3, H 514, S 258, H 591; 1988 S 89; 1986 H 428, H 509, H 476; 1984 H 614; 1983 H 93; 1982 H 515; 1981 H 1; 1977 S 135; 1976 H 244; 1975 H 85; 1970 H 931; 1969 H 320)

UNCODIFIED LAW

2010 H 10, § 3, eff. 6-17-10, reads:

SECTION 3. Sections 2151.23, 2151.358, 2152.02, 2743.191, 2903.214, 2919.25, 2919.27, 3113.31, and 3113.33 of the Revised Code, as amended by this act, and section 2151.34 of the Revised Code, as enacted by this act, shall be named the "Shynerra Grant Law."

2008 H 214 §§ 7 and 8, eff. 5-14-08, read:

SECTION 7. Sections 5103.23 to 5103.237 and the amendments to sections 2151.23, 2151.39, 3313.64, and 5103.16 of the Revised Code shall continue in effect until the Interstate Compact for the Placement of Children contained in sections 5103.20 to 5103.22 of the Revised Code becomes effective as described in Article XIV of that Compact, at which time sections 5103.23 to 5103.237 and the amendments made by this act to sections 2151.23, 2151.39, 3313.64, and 5103.16 of the Revised Code regarding the Interstate Compact on the Placement of Children no longer apply.

SECTION 8. The enactment of the Interstate Compact on the Placement of Children in Section 9 [FN1] of this act is a continuation of the interstate compact of the same name that was repealed in Am. Sub. S.B. 238 of the 126th General Assembly but remains in effect according to Article IX of that Compact.

[FN1] So in original; should this read "Section 5"?

HISTORICAL AND STATUTORY NOTES

Ed. Note: Former RC 2151.23 repealed by 1969 H 320, eff. 11-19-69; 130 v S 187; 127 v 547; 1953 H 1; GC 1639-16.

Ed. Note: Former RC 2151.23(G)(2) related to the duration of child support orders beyond the child's eighteenth birthday. See now RC 3119.86 for provisions analogous to former RC 2151.23(G)(2).

Pre-1953 H 1 Amendments: 121 v 557; 117 v 520

Amendment Note: 2010 H 10 inserted ", (K)," after "(G)" in divisions (A)(2) and (A)(11); and added divisions (A)(16) and (J).

Amendment Note: 2008 H 214 rewrote division (F)(1), which prior thereto read:

"(F)(1) The juvenile court shall exercise its jurisdiction in child custody matters in accordance with sections 3109.04, 3127.01 to 3127.53, and 5103.20 to 5103.22 of the Revised Code."

Amendment Note: 2007 S 10 substituted "2152.86" for "2152.85" after "under sections 2152.82 to" twice in division (A)(15).

Amendment Note: 2006 S 238 substituted "5103.22" for "5103.28" in division (F)(1).

Amendment Note: 2004 S 185 added divisions (B)(7) through (B)(9); substituted "3127.01" for "3109.21" and "3127.53" for "3109.36" in division (F)(1); and made other nonsubstantive changes.

Amendment Note: 2004 H 38 inserted "divisions (G) and" in divisions (A)(2), (A)(11), (B), (D), and (E).

Amendment Note: 2001 S 3 added new division (A)(15).

Amendment Note: 2000 S 179 inserted ", indictment, or information" in division (A)(1); substituted "2152.12" for "2151.26" in division (H); substituted "divisions (A) and (B) of section 2152.12" for "divisions (B) and (C) of section 2151.26" in division (I); and made corrective internal numbering changes and other nonsubstantive changes.

Amendment Note: 2000 S 180 redesignated divisions (A)(14) and (A)(15) as (A)(13) and (A)(14); substituted "3111.18" for "3111.19" in division (B)(2) and "3111.28" for "5101.34" in division (B)(5); inserted new division (B)(6); rewrote division (G); and made other nonsubstantive amendments. Prior to amendment division (G) read:

"(G)(1) Each order for child support made or modified by a juvenile court shall include as part of the order a general provision, as described in division (A)(1) of section 3113.21 of the Revised Code, requiring the withholding or deduction of income or assets of the obligor under the order as described in division (D) of section 3113.21 of the Revised Code, or another type of appropriate requirement as described in division (D)(3), (D)(4), or (H) of that section, to ensure that withholding or deduction from the income or assets of the obligor is available from the commencement of the support order for collection of the support and of any arrearages that occur; a statement requiring all parties to the order to notify the child support enforcement agency in writing of their current mailing address, current residence address, current residence telephone number, and current driver's license number, and any changes to that information; and a notice that the requirement to notify the child support enforcement agency of all changes to that information continues until further notice from the court. Any juvenile court that makes or modifies an order for child support shall comply with sections 3113.21 to 3113.219 of the Revised Code. If any person required to pay child support under an order made by a juvenile court on or after April 15, 1985, or modified on or after December 1, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

"(2) Notwithstanding section 3109.01 of the Revised Code, if a juvenile court issues a child support order under this chapter, the order shall remain in effect beyond the child's eighteenth birthday as long as the child continuously attends on a full-time basis any recognized and accredited high school or the order provides that the duty of support of the child continues beyond the child's eighteenth birthday. Except in cases in which the order provides that the duty of support continues for any period after the child reaches nineteen years of age the order shall not remain in effect after the child reaches nineteen years of age. Any parent ordered to pay support under a child support order issued under this chapter shall continue to pay support under the order, including during seasonal vacation periods, until the order terminates."

Amendment Note: 2000 S 218 inserted "have violated section 2151.87 of the Revised Code or an order issued under that section or to" in division (A)(1); and made corrective internal numbering changes.

Amendment Note: 2000 H 583 deleted former division (A)(13); inserted "except as provided in division (I) of section 2301.03 of the Revised Code," in divisions (B), (D), and (E); and made other nonsubstantive changes. Prior to deletion, former division (A)(13) read:

"(13) Concerning an action commenced under section 2151.55 of the Revised Code."

Amendment Note: 2000 S 181 inserted "and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly or delinquent child for being an habitual or chronic truant" in division (A)(1); inserted "section 2919.222," twice in division (A)(6); and added divisions (A)(14) and (A)(15).

Amendment Note: 1997 H 352 substituted "uniform interstate family support act" for "uniform reciprocal enforcement of support act" in division (B)(3); added division (B)(5); deleted "on or after December 31, 1993," before "shall include", substituted "income" for "wages" twice and "(D)(3), (D)(4)" for "(D)(6), (D)(7)", inserted "current residence telephone number, current driver's license number," and deleted "on or after April 12, 1990," before "shall comply", in division (G)(1); inserted "or the order provides that the duty of support of the child continues beyond the child's eighteenth birthday" and added the second sentence in division (G)(2); and made other nonsubstantive changes.

2301.02

Baldwin's Ohio Revised Code Annotated Currentness

Title XXIII. Courts--Common Pleas

* Chapter 2301. Organization (Refs & Annos)

* Judges

→2301.02 Number of judges for each county; terms of office

The number of judges of the court of common pleas for each county, the time for the next election of the judges in the several counties, and the beginning of their terms shall be as follows:

(A) In Adams, Ashland, Fayette, and Pike counties, one judge, elected in 1956, term to begin February 9, 1957;

In Brown, Crawford, Defiance, Highland, Holmes, Morgan, Ottawa, and Union counties, one judge, to be elected in 1954, term to begin February 9, 1955;

In Auglaize county, one judge, to be elected in 1956, term to begin January 9, 1957;

In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin, Jackson, Knox, Madison, Mercer, Monroe, Paulding, Vinton, and Wyandot counties, one judge, to be elected in 1956, term to begin January 1, 1957;

In Morrow county, two judges, one to be elected in 1956, term to begin January 1, 1957, and one to be elected in 2006, term to begin January 1, 2007;

In Logan county, two judges, one to be elected in 1956, term to begin January 1, 1957, and one to be elected in 2004, term to begin January 2, 2005;

In Carroll, Clinton, Hocking, Meigs, Pickaway, Preble, Shelby, Van Wert, and Williams counties, one judge, to be elected in 1952, term to begin January 1, 1953;

In Champaign county, two judges, one to be elected in 1952, term to begin January 1, 1953, and one to be elected in 2008, term to begin February 10, 2009.

In Harrison and Noble counties, one judge, to be elected in 1954, term to begin April 18, 1955;

In Henry county, two judges, one to be elected in 1956, term to begin May 9, 1957, and one to be elected in 2004, term to begin January 1, 2005;

In Putnam county, one judge, to be elected in 1956, term to begin May 9, 1957;

In Huron county, one judge, to be elected in 1952, term to begin May 14, 1953;

In Perry county, one judge, to be elected in 1954, term to begin July 6, 1956;

In Sandusky county, two judges, one to be elected in 1954, term to begin February 10, 1955, and one to be elected in 1978, term to begin January 1, 1979;

(B) In Allen county, three judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1958, term to begin January 1, 1959, and the third to be elected in 1992, term to begin January 1, 1993;

In Ashtabula county, three judges, one to be elected in 1954, term to begin February 9, 1955, one to be elected in 1960, term to begin January 1, 1961, and one to be elected in 1978, term to begin January 2, 1979;

In Athens county, two judges, one to be elected in 1954, term to begin February 9, 1955, and one to be elected in 1990, term to begin July 1, 1991;

In Erie county, four judges, one to be elected in 1956, term to begin January 1, 1957, the second to be elected in 1970, term to begin January 2, 1971, the third to be elected in 2004, term to begin January 2, 2005, and the fourth to be elected in 2008, term to begin February 9, 2009;

In Fairfield county, three judges, one to be elected in 1954, term to begin February 9, 1955, the second to be elected in 1970, term to begin January 1, 1971, and the third to be elected in 1994, term to begin January 2, 1995;

In Geauga county, two judges, one to be elected in 1956, term to begin January 1, 1957, and the second to be elected in 1976, term to begin January 6, 1977;

In Greene county, four judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1960, term to begin January 1, 1961, the third to be elected in 1978, term to begin January 2, 1979, and the fourth to be elected in 1994, term to begin January 1, 1995;

In Hancock county, two judges, one to be elected in 1952, term to begin January 1, 1953, and the second to be elected in 1978, term to begin January 1, 1979;

In Lawrence county, two judges, one to be elected in 1954, term to begin February 9, 1955, and the second to be elected in 1976, term to begin January 1, 1977;

In Marion county, three judges, one to be elected in 1952, term to begin January 1, 1953, the second to be elected in 1976, term to begin January 2, 1977, and the third to be elected in 1998, term to begin February 9, 1999;

In Medina county, three judges, one to be elected in 1956, term to begin January 1, 1957, the second to be elected in 1966, term to begin January 1, 1967, and the third to be elected in 1994, term to begin January 1, 1995;

In Miami county, two judges, one to be elected in 1954, term to begin February 9, 1955, and one to be elected in 1970, term to begin on January 1, 1971;

In Muskingum county, three judges, one to be elected in 1968, term to begin August 9, 1969, one to be elected in 1978, term to begin January 1, 1979, and one to be elected in 2002, term to begin January 2, 2003;

In Portage county, three judges, one to be elected in 1956, term to begin January 1, 1957, the second to be elected in 1960, term to begin January 1, 1961, and the third to be elected in 1986, term to begin January 2, 1987;

In Ross county, two judges, one to be elected in 1956, term to begin February 9, 1957, and the second to be elected in 1976, term to begin January 1, 1977;

In Scioto county, three judges, one to be elected in 1954, term to begin February 10, 1955, the second to be elected in 1960, term to begin January 1, 1961, and the third to be elected in 1994, term to begin January 2, 1995;

In Seneca county, two judges, one to be elected in 1956, term to begin January 1, 1957, and the second to be elected in 1986, term to begin January 2, 1987;

In Warren county, four judges, one to be elected in 1954, term to begin February 9, 1955, the second to be elected in 1970, term to begin January 1, 1971, the third to be elected in 1986, term to begin January 1, 1987, and the fourth to be elected in 2004, term to begin January 2, 2005;

In Washington county, two judges, one to be elected in 1952, term to begin January 1, 1953, and one

to be elected in 1986, term to begin January 1, 1987;

In Wood county, three judges, one to be elected in 1968, term beginning January 1, 1969, the second to be elected in 1970, term to begin January 2, 1971, and the third to be elected in 1990, term to begin January 1, 1991;

In Belmont and Jefferson counties, two judges, to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively;

In Clark county, four judges, one to be elected in 1952, term to begin January 1, 1953, the second to be elected in 1956, term to begin January 2, 1957, the third to be elected in 1986, term to begin January 3, 1987, and the fourth to be elected in 1994, term to begin January 2, 1995.

In Clermont county, five judges, one to be elected in 1956, term to begin January 1, 1957, the second to be elected in 1964, term to begin January 1, 1965, the third to be elected in 1982, term to begin January 2, 1983, the fourth to be elected in 1986, term to begin January 2, 1987; and the fifth to be elected in 2006, term to begin January 3, 2007;

In Columbiana county, two judges, one to be elected in 1952, term to begin January 1, 1953, and the second to be elected in 1956, term to begin January 1, 1957;

In Delaware county, two judges, one to be elected in 1990, term to begin February 9, 1991, the second to be elected in 1994, term to begin January 1, 1995;

In Lake county, six judges, one to be elected in 1958, term to begin January 1, 1959, the second to be elected in 1960, term to begin January 2, 1961, the third to be elected in 1964, term to begin January 3, 1965, the fourth and fifth to be elected in 1978, terms to begin January 4, 1979, and January 5, 1979, respectively, and the sixth to be elected in 2000, term to begin January 6, 2001;

In Licking county, four judges, one to be elected in 1954, term to begin February 9, 1955, one to be elected in 1964, term to begin January 1, 1965, one to be elected in 1990, term to begin January 1, 1991, and one to be elected in 2004, term to begin January 1, 2005;

In Lorain county, nine judges, two to be elected in 1952, terms to begin January 1, 1953, and January 2, 1953, respectively, one to be elected in 1958, term to begin January 3, 1959, one to be elected in 1968, term to begin January 1, 1969, two to be elected in 1988, terms to begin January 4, 1989, and January 5, 1989, respectively, two to be elected in 1998, terms to begin January 2, 1999, and January 3, 1999, respectively; and one to be elected in 2006, term to begin January 6, 2007;

In Butler county, eleven judges, one to be elected in 1956, term to begin January 1, 1957; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; one to be elected in 1968, term to begin January 2, 1969; one to be elected in 1986, term to begin January 3, 1987; two to be elected in 1988, terms to begin January 1, 1989, and January 2, 1989, respectively; one to be elected in 1992, term to begin January 4, 1993; two to be elected in 2002, terms to begin January 2, 2003, and January 3, 2003, respectively; and one to be elected in 2006, term to begin January 3, 2007;

In Richland county, four judges, one to be elected in 1956, term to begin January 1, 1957, the second to be elected in 1960, term to begin February 9, 1961, the third to be elected in 1968, term to begin January 2, 1969, and the fourth to be elected in 2004, term to begin January 3, 2005;

In Tuscarawas county, two judges, one to be elected in 1956, term to begin January 1, 1957, and the second to be elected in 1960, term to begin January 2, 1961;

In Wayne county, two judges, one to be elected in 1956, term beginning January 1, 1957, and one to be elected in 1968, term to begin January 2, 1969;

In Trumbull county, six judges, one to be elected in 1952, term to begin January 1, 1953, the second

to be elected in 1954, term to begin January 1, 1955, the third to be elected in 1956, term to begin January 1, 1957, the fourth to be elected in 1964, term to begin January 1, 1965, the fifth to be elected in 1976, term to begin January 2, 1977, and the sixth to be elected in 1994, term to begin January 3, 1995;

(C) In Cuyahoga county, thirty-nine judges; eight to be elected in 1954, terms to begin on successive days beginning from January 1, 1955, to January 7, 1955, and February 9, 1955, respectively; eight to be elected in 1956, terms to begin on successive days beginning from January 1, 1957, to January 8, 1957; three to be elected in 1952, terms to begin from January 1, 1953, to January 3, 1953; two to be elected in 1960, terms to begin on January 8, 1961, and January 9, 1961, respectively; two to be elected in 1964, terms to begin January 4, 1965, and January 5, 1965, respectively; one to be elected in 1966, term to begin on January 10, 1967; four to be elected in 1968, terms to begin on successive days beginning from January 9, 1969, to January 12, 1969; two to be elected in 1974, terms to begin on January 18, 1975, and January 19, 1975, respectively; five to be elected in 1976, terms to begin on successive days beginning January 6, 1977, to January 10, 1977; two to be elected in 1982, terms to begin January 11, 1983, and January 12, 1983, respectively; and two to be elected in 1986, terms to begin January 13, 1987, and January 14, 1987, respectively;

In Franklin county, twenty-two judges; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; four to be elected in 1956, terms to begin January 1, 1957, to January 4, 1957; four to be elected in 1958, terms to begin January 1, 1959, to January 4, 1959; three to be elected in 1968, terms to begin January 5, 1969, to January 7, 1969; three to be elected in 1976, terms to begin on successive days beginning January 5, 1977, to January 7, 1977; one to be elected in 1982, term to begin January 8, 1983; one to be elected in 1986, term to begin January 9, 1987; two to be elected in 1990, terms to begin July 1, 1991, and July 2, 1991, respectively; one to be elected in 1996, term to begin January 2, 1997; and one to be elected in 2004, term to begin July 1, 2005;

In Hamilton county, twenty-one judges; eight to be elected in 1966, terms to begin January 1, 1967, January 2, 1967, and from February 9, 1967, to February 14, 1967, respectively; five to be elected in 1956, terms to begin from January 1, 1957, to January 5, 1957; one to be elected in 1964, term to begin January 1, 1965; one to be elected in 1974, term to begin January 15, 1975; one to be elected in 1980, term to begin January 16, 1981; two to be elected at large in the general election in 1982, terms to begin April 1, 1983; one to be elected in 1990, term to begin July 1, 1991; and two to be elected in 1996, terms to begin January 3, 1997, and January 4, 1997, respectively;

In Lucas county, fourteen judges; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; two to be elected in 1956, terms to begin January 1, 1957, and October 29, 1957, respectively; two to be elected in 1952, terms to begin January 1, 1953, and January 2, 1953, respectively; one to be elected in 1964, term to begin January 3, 1965; one to be elected in 1968, term to begin January 4, 1969; two to be elected in 1976, terms to begin January 4, 1977, and January 5, 1977, respectively; one to be elected in 1982, term to begin January 6, 1983; one to be elected in 1988, term to begin January 7, 1989; one to be elected in 1990, term to begin January 2, 1991; and one to be elected in 1992, term to begin January 2, 1993;

In Mahoning county, seven judges; three to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, and February 9, 1955, respectively; one to be elected in 1956, term to begin January 1, 1957; one to be elected in 1952, term to begin January 1, 1953; one to be elected in 1968, term to begin January 2, 1969; and one to be elected in 1990, term to begin July 1, 1991;

In Montgomery county, fifteen judges; three to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, and January 3, 1955, respectively; four to be elected in 1952, terms to begin January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953, respectively; one to be elected in 1964, term to begin January 3, 1965; one to be elected in 1968, term to begin January 3, 1969; three to be elected in 1976, terms to begin on successive days beginning January 4, 1977, to January 6, 1977; two to be elected in 1990, terms to begin July 1, 1991, and July 2, 1991, respectively; and one to be elected in 1992, term to begin January 1, 1993.

In Stark county, eight judges; one to be elected in 1958, term to begin on January 2, 1959; two to be elected in 1954, terms to begin on January 1, 1955, and February 9, 1955, respectively; two to be elected in 1952, terms to begin January 1, 1953, and April 16, 1953, respectively; one to be elected in 1966, term to begin on January 4, 1967; and two to be elected in 1992, terms to begin January 1, 1993, and January 2, 1993, respectively;

In Summit county, thirteen judges; four to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, January 3, 1955, and February 9, 1955, respectively; three to be elected in 1958, terms to begin January 1, 1959, January 2, 1959, and May 17, 1959, respectively; one to be elected in 1966, term to begin January 4, 1967; one to be elected in 1968, term to begin January 5, 1969; one to be elected in 1990, term to begin May 1, 1991; one to be elected in 1992, term to begin January 6, 1993; and two to be elected in 2008, terms to begin January 5, 2009, and January 6, 2009, respectively.

Notwithstanding the foregoing provisions, in any county having two or more judges of the court of common pleas, in which more than one-third of the judges plus one were previously elected at the same election, if the office of one of those judges so elected becomes vacant more than fifty-six days prior to the second general election preceding the expiration of that judge's term, the office that that judge had filled shall be abolished as of the date of the next general election, and a new office of judge of the court of common pleas shall be created. The judge who is to fill that new office shall be elected for a six-year term at the next general election, and the term of that judge shall commence on the first day of the year following that general election, on which day no other judge's term begins, so that the number of judges that the county shall elect shall not be reduced.

Judges of the probate division of the court of common pleas are judges of the court of common pleas but shall be elected pursuant to sections 2101.02 and 2101.021 of the Revised Code, except in Adams, Harrison, Henry, Morgan, Noble, and Wyandot counties in which the judge of the court of common pleas elected pursuant to this section also shall serve as judge of the probate division, except in Lorain county in which the judges of the domestic relations division of the Lorain county court of common pleas elected pursuant to this section also shall perform the duties and functions of the judge of the probate division from February 9, 2009, through September 28, 2009, and except in Morrow county in which the judges of the court of common pleas elected pursuant to this section also shall perform the duties and functions of the judge of the probate division.

CREDIT(S)

(2010 H 48, eff. 7-2-10; 2009 H 1, eff. 7-17-09; 2007 S 155, eff. 12-21-07; 2006 H 699, eff. 3-29-07; 2006 H 336, eff. 1-18-07; 2005 S 128, eff. 12-20-05; 2004 S 71, eff. 5-18-05; 2004 H 38, eff. 6-17-04; 2003 H 86, eff. 11-13-03; 2003 H 95, eff. 9-26-03; 2003 H 26, eff. 8-8-03; 2002 H 499, eff. 2-20-02; 2001 H 11, eff. 10-31-01; 1999 S 164, eff. 12-22-99; 1998 H 602, eff. 3-30-99; 1998 H 444, eff. 1-15-98; 1996 S 269, eff. 7-1-96; 1995 H 151, eff. 12-4-95; 1994 H 21, eff. 2-4-94; 1992 S 273, eff. 3-6-92; 1991 H 200; 1990 H 211, H 648, H 390; 1988 H 802, S 283; 1987 S 171; 1986 H 815; 1984 H 113; 1982 H 869; 1980 H 961; 1978 H 246; 1976 H 468; 1973 S 201; 1970 H 1140; 1969 H 7; 132 v H 880; 131 v H 165; 130 v H 151; 128 v 147; 127 v 475; 126 v 778; 1953 H 1; Source--GC 1532, 1532-1, 1532-2)

UNCODIFIED LAW

1996 S 269, § 14, eff. 6-28-96, reads: Notwithstanding any section of the Revised Code to the contrary, candidates for election to the new judgeship in the Franklin County Court of Common Pleas that is created by this act shall be nominated by petition. Nominating petitions shall be filed on or before August 1, 1996.

HISTORICAL AND STATUTORY NOTES

Amendment Note: 2010 H 48 substituted "fifty-six" for "forty" in the penultimate paragraph.

[Appx. 61]

Amendment Note: 2010 H 48 substituted "fifty-six" for "forty" in the penultimate paragraph.

Amendment Note: 2009 H 1 substituted "nine" for "ten" and deleted "and one to be elected in 2008, term to begin February 9, 2009, as described in division (C)(1)(c) of section 2301.03 of the Revised Code" from the end of the paragraph in division (B) pertaining to Lorain county; and inserted "from February 9, 2009, through September 28, 2009," in the final paragraph in division (C).

Amendment Note: 2007 S 155 deleted "Champaign" after "Carroll" in the seventh paragraph and inserted the eighth paragraph in division (A).

Amendment Note: 2006 H 699 substituted "judges" for "successors to the judge", deleted "in 1956" from between the last instance of "elected" and "pursuant", and substituted "perform the duties and functions of the" for "serve as" between the last instance of "shall" and "judge of the probate division" in the last paragraph of division (C); and made other nonsubstantive changes.

Amendment Note: 2006 H 336 in the third to the last paragraph of division (C), substituted "thirteen" for "eleven" after "In Summit county,"; inserted "; and two to be elected in 2008, terms to begin January 5, 2009, and January 6, 2009, respectively" at the end of the paragraph; and made other nonsubstantive changes.

Amendment Note: 2005 S 128 deleted "Morrow," in the fifth paragraph and added a sixth paragraph relating to Morrow county in division (A); substituted "ten" for "eight", inserted "one to be elected in 2006, term to begin January 6, 2007; and one to be elected in 2008, term to begin February 9, 2009, as described in division (C)(1)(c) of section 2301.03 of the Revised Code" at the end of the twenty-eighth paragraph of division (B) relating to Lorain county; substituted "eleven" for "ten", inserted "and one to be elected in 2006, term to begin January 3, 2007;" in the twenty-ninth paragraph of division (B) relating to Butler county; deleted "Morrow" following "Morgan" and inserted ", except in Lorain county in which the judges of the domestic relations division of the Lorain county court of common pleas elected pursuant to this section also shall perform the duties and functions of the judge of the probate division, and except in Morrow county in which the successors to the judge of the court of common pleas elected in 1956 pursuant to this section also shall serve as judge of the probate division" in the last paragraph of division (C); and made other nonsubstantive changes throughout.

Amendment Note: 2004 S 71 amended the paragraph regarding Clermont county by substituting "five" for "four", inserting "; and the fifth to be elected in 2006, term to begin January 3, 2007" and making other nonsubstantive changes to that paragraph.

Amendment Note: 2004 H 38 rewrote the following portions of division (A), which prior thereto read:

"In Licking county, three judges, one to be elected in 1954, term to begin February 9, 1955, one to be elected in 1964, term to begin January 1, 1965, and one to be elected in 1990, term to begin January 1, 1991;"

* * *

"In Franklin county, twenty-one judges; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; four to be elected in 1956, terms to begin January 1, 1957, to January 4, 1957; four to be elected in 1958, terms to begin January 1, 1959, to January 4, 1959; three to be elected in 1968, terms to begin January 5, 1969, to January 7, 1969; three to be elected in 1976, terms to begin on successive days beginning January 5, 1977, to January 7, 1977; one to be elected in 1982, term to begin January 8, 1983; one to be elected in 1986, term to begin January 9, 1987; two to be elected in 1990, terms to begin July 1, 1991, and July 2, 1991, respectively; and one to be elected in 1996, term to begin January 2, 1997;"

Amendment Note: 2003 H 86 deleted "Logan," before "Madison" in the fourth paragraph and added

[Appx. 62]

a new fifth paragraph in division (A); substituted "four" for "two" and inserted ", the third to be elected in 2004, term to begin January 2, 2005, and the fourth to be elected in 2008, term to begin February 9, 2009" in the fourth paragraph of division (B); and made other nonsubstantive changes.

Amendment Note: 2003 H 95 amended the paragraph starting "In Richland county," in Division (B) by changing the number of judges from three to four; deleting "and" preceding "the third"; and inserting ", and the fourth to be elected in 2004, term to begin January 3, 2005" preceding the semicolon at the end of the paragraph.

Amendment Note: 2003 H 26 inserted "county, two judges, one to be elected in 1956, term to begin May 9, 1957, and one to be elected in 2004, term to begin January 1, 2005;" in paragraph seven of division (A) dealing with Henry county; inserted "In" before "Putnam" and substituted "county" for "counties" in new paragraph eight of division (A) dealing with Putnam county; substituted "four" for "three" and inserted ", and the fourth to be elected in 2004, term to begin January 2, 2005" in the eighteenth paragraph of division (B) dealing with Warren county.; and made other nonsubstantive changes.

Amendment Note: 2002 H 499 substituted "ten" for "nine", "two" for "one" before "to be elected in 2002," and "terms" for "term" after; and inserted ", and January 3, 2003, respectively" in the 29th paragraph in division (B) dealing with Butler county.

Amendment Note: 2001 H 11 substituted "three" for "two" and inserted ", and one to be elected in 2002, term to begin January 2, 2003;" in the 13th paragraph in division (B) dealing with Muskingum county; and substituted "nine" for "eight", deleted "and" after "respectively;" and inserted ", and one to be elected in 2002, term to begin January 2, 2003;" in the 29th paragraph in division (B) dealing with Butler county.

Amendment Note: 1999 S 164 substituted "January 6, 2001" for "January 1, 2001" in the twenty-sixth paragraph in division (B), pertaining to Lake county.

Amendment Note: 1998 H 602 substituted "six" for "five" and inserted ", and the sixth to be elected in 2000, term to begin January 1, 2001" in the twenty-sixth paragraph in division (B) [relating to Lake county]; and made other nonsubstantive changes.

Amendment Note: 1998 H 444, in the tenth paragraph of division (B), pertaining to Marion county, substituted "three" for "two" and inserted ", and the third to be elected in 1998, term to begin February 9, 1999"; in the twenty-eighth paragraph in division (B), pertaining to Lorain county, substituted "eight" for "six" and inserted ", and two to be elected in 1998, terms to begin January 2, 1999, and January 3, 1999, respectively"; and made other nonsubstantive changes.

Amendment Note: 1996 S 269 substituted "twenty-one" for "twenty" and inserted "and one to be elected in 1996, term to begin January 2, 1997" in the second paragraph of division (C); and made other nonsubstantive changes.

Amendment Note: 1995 H 151 substituted "twenty-one" for "nineteen" and inserted "; and two to be elected in 1996, terms to begin January 3, 1997, and January 4, 1997, respectively" in the third paragraph in division (C), pertaining to Hamilton county.

Amendment Note: 1994 H 21 deleted "Delaware," before "Highland" in the second paragraph of division (A); substituted "three" for "two" in and added ", and the third to be elected in 1994, term to begin January 2, 1995" at the end of the paragraph in division (B) regarding Fairfield county; substituted "four" for "three" in and added ", and the fourth to be elected in 1994, term to begin January 1, 1995" at the end of the paragraph in division (B) regarding Greene county; substituted "three" for "two" in and added ", and the third to be elected in 1994, term to begin January 1, 1995" at the end of the paragraph in division (B) regarding Medina county; substituted "three" for "two" in and added ", and the third to be elected in 1994, term to begin January 2, 1995" at the end of the paragraph in division (B) regarding Scioto county; substituted "four" for "three" and ", and the fourth to be elected in 1994, term to begin January 2, 1995" for ". The existing term of office of the judge

elected in 1979 is extended through January 2, 1987" in the paragraph in division (B) regarding Clark county; added the paragraph in division (B) regarding Delaware county; and substituted "six" for "five" in and added "; and the sixth to be elected in 1994, term to begin January 3, 1995" at the end of the paragraph in division (B) regarding Trumbull county.

CROSS REFERENCES

Assignment of judges during emergency, Sup R 14

Assignment of temporary judge by supreme court, O Const Art IV §5

Backlog of cases, assignment of visiting judges, 2503.04, 2503.281

Changes in number of judges, O Const Art IV §15

Election, term, and compensation of judges; assignment of retired judges, O Const Art IV §6

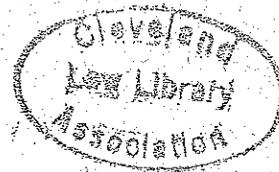
Filling vacancy in judgeship, O Const Art IV §13

Judge's administrative responsibilities, Code of Jud Cond Canon 3

Removal from office, 3.07 to 3.10

Time for holding elections for state and local officers; terms of office, O Const Art XVII §1

90122
THE STATE OF OHIO



VOLUME CXXVIII

LEGISLATIVE ACTS

(EXCEPTING APPROPRIATION ACTS)

PASSED

AND

JOINT RESOLUTIONS

ADOPTED

BY THE

ONE HUNDRED AND THIRD GENERAL ASSEMBLY
OF OHIO

At Its Regular Session

JANUARY 5, 1959, TO AUGUST 14, 1959, INCLUSIVE

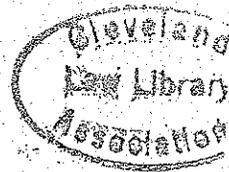
Issued by

TED W. BROWN
Secretary of State



The F. J. Heer Printing Company
Columbus 16, Ohio
1959

Bound by the State of Ohio



In Hamilton county, twelve judges; seven to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, and from February 9, 1955, to February 13, 1955, inclusive, respectively; five to be elected in 1956, terms to begin from January 1, 1957, to January 5, 1957, inclusive;

In Lucas county, six judges; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; two to be elected in 1956, terms to begin January 1, 1957, and October 29, 1957, respectively; and two to be elected in 1952, terms to begin January 1, 1953, and January 2, 1953, respectively;

In Mahoning county, five judges; three to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, and February 9, 1955, respectively; one to be elected in 1956, term to begin January 1, 1957; and one to be elected in 1952, term to begin January 1, 1953;

In Montgomery county, seven judges; three to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, and January 3, 1955, respectively; and four to be elected in 1952, terms to begin January 1, 1953, January 2, 1953, July 1, 1953, July 2, 1953, respectively;

In Stark county, five judges; one to be elected in 1958, term to begin on January 2, 1959; two to be elected in 1954, terms to begin on January 1, 1955, and February 9, 1955, respectively; and two to be elected in 1952, terms to begin January 1, 1953, and April 16, 1953, respectively;

In Summit county, seven judges; four to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, January 3, 1955, and February 9, 1955, respectively; and three to be elected in 1958, terms to begin January 1, 1959, January 2, 1959, and May 17, *** 1959, respectively.

Notwithstanding the foregoing provisions, in any county having two or more judges of the court of common pleas, in which more than one third of such judges plus one were previously elected at the same election, should the office of one such judge so elected become vacant more than forty days prior to the second general election preceding the expiration of such judge's term, the office which such judge had filled shall be abolished as of the date of the next general election and a new office of judge of the court of common pleas shall be created. The judge who is to fill such new office shall be elected for a six year term at the next general election and his term shall commence on the first day of the year following such general election, on which day no other judge's term begins so that the number of judges which such county shall elect shall not be reduced.

Judges of the court of domestic relations; juvenile relations.

Sec. 2301.03. (A) In Franklin county, the judges of the court of common pleas whose terms begin on January 1, 1953, and January 2, 1953, 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 Franklin county, and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which the juvenile court has jurisdiction, and all divorce and alimony cases shall be assigned to such judges. In addition to his regular duties, the judge who is senior in

point of service shall serve on the child welfare board, the county advisory board, and shall be the administrator of the domestic relations court, its subdivisions and departments.

(B) In Hamilton county, the judge of the court of common pleas, whose term begins on January 1, 1957, and successors, shall be the juvenile judge as provided in sections 2151.01 to *** 2151.61, inclusive, and 2151.99 of the Revised Code, with powers and jurisdiction conferred by such chapter and the judge of the court of common pleas whose term begins on January 5, 1957, and successors shall be elected and designated as a judge of the court of common pleas, division of domestic relations, and shall have assigned to him all divorce and alimony cases coming before such court. In addition to his regular duties, such judge of the court of common pleas, division of domestic relations, shall be the administrator of the domestic relations court, its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of said division of the court engaged in handling, or servicing, or investigating divorce and alimony cases, including any referees deemed necessary by said judge in the discharge of his various duties.

The judge shall also designate the title, compensation, expense allowances, hours, leaves of absence and vacations of the personnel of said division, and the judge shall fix the duties of such personnel. The duties of such personnel, in addition to those provided for in other sections of the Revised Code, shall include the handling, servicing, and investigation of divorce and alimony cases and counselling and conciliation services which may be made available to persons requesting them, regardless of whether or not such persons are parties to an action pending in the court.

The board of county commissioners shall appropriate such sum of money each year as will meet all the administrative expenses of the court of domestic relations, including reasonable expenses of the domestic relations judge and such court counselors and other employees as he may designate to conduct the handling, servicing, and investigation of divorce and alimony cases, conciliation and domestic relations counselling, and all matters in relation thereto, as well as the expenses involved in the attendance of court personnel at domestic relations and welfare conferences designated by said court, and such further sum each year as will provide for the adequate operation of said court of domestic relations.

The compensation and expenses of all employees and the salary and expenses of the judge shall be paid by the county treasurer from the money appropriated for the operation of the court, upon the warrant of the county auditor, certified to by the judge.

The summons, warrants, citations, subpoenas, and other writs of the court may issue to a bailiff, constable, or staff investigator of the court, or to the sheriff of any county or any marshal, constable, or police officer; and the provisions of law relating to the subpoenaing of witnesses in other cases shall apply in so far as they are applicable. When a summons, warrant, citation, subpoena, or other writ is issued to such officer, other than a bailiff, constable or staff investigator of the court, the expense of serving the same shall be assessed as a part of the costs in the case involved.

(C) In Lorain county, the judge of the court of common pleas whose term begins on January 3, 1959, and successors shall have the same quali-

fications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. He shall have all the powers relating to juvenile courts, and all cases under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which the juvenile court has jurisdiction, and all divorce and alimony cases shall be assigned to such judge except in such cases as should for some special reason be assigned to some other judge of the court of common pleas.

(D) In Lucas county, the judge of the court of common pleas whose term begins on January 1, 1955, 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, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. He shall have all the powers relating to juvenile courts, and all cases under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases, and all divorces and alimony cases shall be assigned to such judge.

(E) In Mahoning county, the judge of the court of common pleas whose term begins on January 1, 1955, 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 Mahoning county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. All juvenile court work arising under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all divorce and alimony cases, and cases involving the care and custody of children shall be assigned to such judge.

(F) In Montgomery county, the judges of the court of common pleas whose terms begin on January 1, 1953, and January 2, 1953, and successors shall be elected and designated as judges of the court of common pleas, division of domestic relations. All the powers provided for in section 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, relating to juvenile courts shall be exercised by said judges, and there shall be assigned to such judges all juvenile court work, all divorce and alimony cases, and cases involving the care and custody of children, with concurrent jurisdiction in all criminal matters.

The judge of the division of domestic relations, junior in point of service, shall have charge of the employment and supervision of the personnel of said division of the court engaged in handling or servicing or investigating divorce and alimony cases including any necessary referees.

The judge of the division of domestic relations, senior in point of service, shall be charged with the assignment and division of the work of said division of the court and the employment and supervision of all other personnel of said division of the court, except those employees who may be appointed by the judge, junior in point of service, under this section and sections 2301.12, 2301.18, and 2301.19 of the Revised Code. The judge, senior in point of service, shall serve as administrator of the bureau of aid to dependent children and shall serve in each and every position where the statutes permit or require a juvenile judge to serve.

(G) In Richland county, the judge of the court of common pleas whose term begins on January 1, 1957, and successors shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Richland county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. He shall have all the powers relating to juvenile courts, and all cases under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which the juvenile court has jurisdiction, and all divorce and alimony cases shall be assigned to such judge except in such cases as should for some special reason be assigned to some other judge of the court of common pleas.

(H) In Stark county, the judges of the court of common pleas whose terms begin on January 1, 1953, and January 2, 1959, 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 Stark county, and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which the juvenile court has jurisdiction, and all divorce and alimony cases, except such cases as should be assigned to some other judge of the court of common pleas for some special reason, shall be assigned to such judges.

The judge of the division of domestic relations, junior in point of service, shall have charge of the employment and supervision of the personnel of said division of the court engaged in handling or servicing or investigating divorce and alimony cases and necessary referees required for his respective court.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the administration of sections 2151.13, 2151.16, 2151.17, and 2151.18 of the Revised Code, and with the assignment and division of the work of said division of the court and the employment and supervision of all other personnel of said division of the court, including, but not limited to, his necessary referees, but excepting therefrom those employees who may be appointed by the judge junior in point of service. Said senior judge shall further serve as administrator of the bureau of aid to dependent children and shall serve in each and every other position where the statutes permit or require a juvenile judge to serve.

(I) In Summit county, the judge of the court of common pleas whose term begins on January 1, 1955, 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 Summit county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. All the powers provided for in sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, relating to juvenile courts shall be exercised by said judge and there shall be assigned to such judge all juvenile court work.

(J) In Trumbull county, the judge of the court of common pleas whose term begins on January 1, 1953, 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 Trumbull county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. He shall have all the powers relating to juvenile courts, and all cases under section 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which juvenile court has jurisdiction, and all divorce and alimony cases shall be assigned to such judge except in such cases as should for some special reason be assigned to some other judge of the court of common pleas.

(K) In Butler county, the judge of the court of common pleas whose term begins on January 1, 1957, 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 Butler county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. He shall have all the powers relating to juvenile courts. All cases under sections 2151.01 to *** 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which the juvenile court has jurisdiction, and all divorce and alimony cases, shall be assigned to such judge except in such cases as should for some special reason be assigned to some other judge of the court of common pleas.

(L) In Cuyahoga county, the judges of the court of common pleas whose terms begin on January 8, 1961, and January 9, 1961, and successors shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Cuyahoga county, and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to all divorce and alimony cases, except as such cases as should be assigned to some other judges of the court of common pleas for some special reason.

(M) In Lake county, the judge of the court of common pleas whose term begins January 2, 1961, and successors shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Lake county, and shall be elected and designated as a judge of the court of common pleas, division of domestic relations. He shall have all the powers relating to juvenile courts, and all cases under sections 2151.01 to 2151.61, inclusive, and section 2151.99 of the Revised Code, all bastardy cases over which the juvenile court has jurisdiction, and all divorce and alimony cases shall be assigned to such judge except in such cases as should for some special reason be assigned to some other judge of the court of common pleas.

If a judge of the court of common pleas, division of domestic relations, or juvenile judge, of any of the counties mentioned in the section is sick, absent, unable to perform his duties, or the volume of cases pending in his court necessitates it, such duties shall be performed by another judge of the court of common pleas of that county, assigned for said purpose by the chief justice or presiding judge of the common pleas court of that county to act in place of or in conjunction with such judge, as the case may require.

Repeal.

SECTION 2. That existing sections 2301.02 and 2301.03 of the Revised Code are hereby repealed.

JAMES A. LANTZ,
Speaker of the House of Representatives.

JOHN W. DONAHEY,
President of the Senate.

Passed July 9, 1959.

Approved July 20, 1959.

MICHAEL V. DiSALLE,
Governor.

The sectional numbers herein are in conformity with the Revised Code.

OHIO LEGISLATIVE SERVICE COMMISSION
CHARLES W. INGLER, *Director*

Filed in the office of the Secretary of State at Columbus, Ohio, on the 21st day of July, A. D. 1959.

TED W. BROWN,
Secretary of State.

File No. 180.

Effective October 20, 1959.

(Amended Senate Bill No. 154)

AN ACT

To amend section 2127.11 of the Revised Code relative to summary land sale proceeding.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2127.11 of the Revised Code be amended to read as follows:

Summary proceeding if value of land less than one thousand dollars.

Sec. 2127.11. When the actual-market value of a decedent's or ward's real estate which is to be sold is less than *** one thousand dollars and the court so finds, it may by summary order authorize the sale and conveyance of the land at private sale, on such terms as it deems proper, and in such proceeding all requirements of sections 2127.01 to 2127.43, inclusive, of the Revised Code, as to service of summons, appraisal, and additional bond shall be waived.

R.C. § 2301.03

Baldwin's Ohio Revised Code Annotated Currentness

Title XXIII. Courts--Common Pleas

↳ Chapter 2301. Organization (Refs & Annos)↳ Judges↳ **2301.03 Judges of the divisions of domestic relations**

(A) In Franklin county, the judges of the court of common pleas whose terms begin on January 1, 1953, January 2, 1953, January 5, 1969, January 5, 1977, and January 2, 1997, 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 Franklin county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them. In addition to the judge's regular duties, the judge who is senior in point of service shall serve on the children services board and the county advisory board and shall be the administrator of the domestic relations division and its subdivisions and departments.

(B) In Hamilton county:

(1) The judge of the court of common pleas, whose term begins on January 1, 1957, and successors, and the judge of the court of common pleas, whose term begins on February 14, 1967, and successors, shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdiction conferred by those chapters.

(2) The judges of the court of common pleas whose terms begin on January 5, 1957, January 16, 1981, and July 1, 1991, and successors, shall be elected and designated as judges of the court of common pleas, division of domestic relations, and shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. On or after the first day of July and before the first day of August of 1991 and each year thereafter, a majority of the judges of the division of domestic relations shall elect one of the judges of the division as administrative judge of that division. If a majority of the judges of the division of domestic relations are unable for any reason to elect an administrative judge for the division before the first day of August, a majority of the judges of the Hamilton county court of common pleas, as soon as possible after that date, shall elect one of the judges of the division of domestic relations as administrative judge of that division. The term of the administrative judge shall begin on the earlier of the first day of August of the year in which the administrative judge is elected or the date on which the administrative judge is elected by a majority of the judges of the Hamilton county court of common pleas and shall terminate on the date on which the administrative judge's successor is elected in the following year.

In addition to the judge's regular duties, the administrative judge of the division of domestic relations shall be the administrator of the domestic relations 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 divorce, dissolution of marriage, legal separation, and annulment cases, including any referees considered necessary by the judges in the discharge of their various duties.

The administrative judge of the division of domestic relations also 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 its personnel. The duties of the personnel, in addition to those provided for in other sections of the Revised Code, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

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

The compensation and expenses of all employees and the salary and expenses of the judges shall be paid by the county treasurer from the money appropriated for the operation of the division, upon the warrant of the county auditor, certified to by the administrative judge of the division of domestic relations.

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

(3) The judge of the court of common pleas of Hamilton county whose term begins on January 3, 1997, and the successors to that judge shall each be elected and designated as the drug court judge of the court of common pleas of Hamilton county. The drug court judge may accept or reject any case referred to the drug court judge under division (B)(3) of this section. After the drug court judge accepts a referred case, the drug court judge has full authority over the case, including the authority to conduct arraignment, accept pleas, enter findings and dispositions, conduct trials, order treatment, and if treatment is not successfully completed pronounce and enter sentence.

A judge of the general division of the court of common pleas of Hamilton county and a judge of the Hamilton county municipal court may refer to the drug court judge any case, and any companion cases, the judge determines meet the criteria described under divisions (B)(3)(a) and (b) of this section. If the drug court judge accepts referral of a referred case, the case, and any companion cases, shall be transferred to the drug court judge. A judge may refer a case meeting the criteria described in divisions (B)(3)(a) and (b) of this section that involves a violation of a condition of a community control sanction to the drug court judge, and, if the drug court judge accepts the referral, the referring judge and the drug court judge have concurrent jurisdiction over the case.

A judge of the general division of the court of common pleas of Hamilton county and a judge of the Hamilton county municipal court may refer a case to the drug court judge under division (B)(3) of this section if the judge determines that both of the following apply:

(a) One of the following applies:

(i) The case involves a drug abuse offense, as defined in section 2925.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor.

(ii) The case involves a theft offense, as defined in section 2913.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor, and the defendant is drug or alcohol dependent or in danger of becoming drug or alcohol dependent and would benefit from treatment.

(b) All of the following apply:

(i) The case involves an offense for which a community control sanction may be imposed or is a case in which a mandatory prison term or a mandatory jail term is not required to be imposed.

- (ii) The defendant has no history of violent behavior.
- (iii) The defendant has no history of mental illness.
- (iv) The defendant's current or past behavior, or both, is drug or alcohol driven.
- (v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.
- (vi) The defendant has no acute health condition.
- (vii) If the defendant is incarcerated, the county prosecutor approves of the referral.

(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.

(5) As used in division (B) of this section, "community control sanction," "mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.

(C)(1) In Lorain county:

(a) The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, and the judge of the court of common pleas whose term begins on February 9, 2009, 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 Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas. From February 9, 2009, through September 28, 2009, the judge of the court of common pleas whose term begins on February 9, 2009, shall have all the powers relating to juvenile courts, and 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 shall be assigned to that judge, except cases that for some special reason are assigned to some other judge of the court of common pleas.

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

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

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

to the judges of the court of common pleas, division of domestic relations.

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

(D) In Lucas county:

(1) The judges of the court of common pleas whose terms begin on January 1, 1955, and January 3, 1965, 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 and shall be elected and designated as judges of the court of common pleas, division of domestic relations. All divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them.

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, and 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 parties to an action pending in the division.

(3) If one of the judges of the court of common pleas, division of domestic relations, or one of the judges of the 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, the duties shall be performed by the judges of the other of those divisions.

(E) In Mahoning county:

(1) The judge of the court of common pleas whose term began on January 1, 1955, 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 Mahoning county, shall be elected and designated as judge of the court of common pleas, division of domestic relations, and shall be assigned all the divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. In addition to the judge's regular duties, the judge of the court of common pleas, division of domestic relations, shall be the administrator of the domestic relations 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 divorce, dissolution of marriage, legal separation, and annulment cases, including any referees considered necessary in the discharge of the various duties of the judge's office.

The judge also 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, in addition to other statutory duties, include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

(2) The judge of the court of common pleas whose term began on January 2, 1969, 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 Mahoning county, shall be elected and 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. In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, 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 judge in the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense allowances, 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 parties to an action pending in the division.

(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, 2301.18, and 2301.19 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.

(G) In Richland county:

(1) The judge of the court of common pleas whose term begins on January 1, 1957, 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 Richland county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. That judge shall be assigned and hear all divorce, dissolution of marriage, legal separation, and annulment cases, all domestic violence cases arising under section 3113.31 of the Revised Code, and all post-decree proceedings arising from any case pertaining to any of those matters. The division of domestic relations has concurrent jurisdiction with the juvenile division of the court of common pleas of Richland county to determine the care, custody, or control of any child not a ward of another court of this state, and to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the division of domestic relations shall be assigned and hear all cases pertaining to paternity or parentage, the care, custody, or control of children, parenting time or visitation, child support, or the allocation of parental rights and responsibilities for the care of children, all proceedings arising under Chapter 3111. of the Revised Code, all proceedings arising under the uniform interstate family support act contained in Chapter 3115. of the Revised Code, and all post-decree proceedings arising from any case pertaining to any of those matters.

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

(2) The judge of the court of common pleas whose term begins on January 3, 2005, 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 Richland county, shall be elected and designated as judge 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. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any case pertaining to paternity or parentage, the care, custody, or control of children, parenting time or visitation, child support, or the allocation of parental rights and responsibilities for the care of children or any post-decree proceeding arising from any case pertaining to any of those matters. The judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any proceeding under the uniform interstate family support act contained in Chapter 3115. of the Revised Code.

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

The judge of the juvenile division 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, include the handling, servicing, and investigation of juvenile cases and providing any counseling, conciliation, and mediation services that the court makes available to persons, whether or not the persons are parties to an action pending in the court, who request the services.

(H) In Stark county, the judges of the court of common pleas whose terms begin on January 1, 1953, January 2, 1959, 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 Stark county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases, except cases that are assigned to some other judge of the court of common pleas for some special reason, shall be assigned to the judges.

The judge of the division of domestic relations, second most senior in point of service, 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, and necessary referees required for the judge's respective court.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 of the Revised Code and with the assignment and division of the work of the division and the employment and supervision of all other personnel of the division, including, but not limited to, that judge's necessary referees, but excepting those employees who may be appointed by the judge second most senior in point of service. The senior judge further shall serve in every other position in which the statutes permit or require a juvenile judge to serve.

(I) In Summit county:

(1) The judges of the court of common pleas whose terms begin on January 4, 1967, and January 6, 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 Summit county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges of the division of domestic relations shall have assigned to them and hear all divorce, dissolution of marriage, legal separation, and annulment cases that come before the court. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judges of the division of domestic relations shall have assigned to them and hear all cases pertaining to paternity, custody, visitation, child support, or the allocation of parental rights and responsibilities for the care of children and all post-decree proceedings arising from any case pertaining to any of those matters. The judges of the division of domestic relations shall have assigned to them and hear all proceedings under the uniform interstate family support act contained in Chapter 3115. of the Revised Code.

The judge of the division of domestic relations, senior in point of service, shall be the administrator of the domestic relations division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division, including any necessary referees, who are engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases. That judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations 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 divorce, dissolution of marriage, legal separation, and annulment cases and of any counseling and conciliation services that are available upon request to all persons, whether or not they are parties to an action pending in the division.

(2) The judge of the court of common pleas whose term begins on January 1, 1955, 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 Summit county, shall be elected and designated as judge 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. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any case pertaining to paternity, custody, visitation, child support, or the allocation of parental rights and responsibilities for the care of children or any post-decree proceeding arising from any case pertaining to any of those matters. The judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any proceeding under the uniform interstate family support act contained in Chapter 3115. of the Revised Code.

The juvenile judge 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 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.

(J) In Trumbull county, the judges of the court of common pleas whose terms begin on January 1, 1953, and January 2, 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 Trumbull county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas.

(K) In Butler county:

(1) The judges of the court of common pleas whose terms begin on January 1, 1957, and January 4, 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 Butler county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges of the division of domestic relations shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judges of the division of domestic relations also have concurrent jurisdiction with judges of the juvenile division of the court of common pleas of Butler county with respect to and may hear cases to determine the custody, support, or custody and support of a child who is born of issue of a marriage and who is not the ward of another court of this state, cases commenced by a party of the marriage to obtain an order requiring support of any child when the request for that order is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, an action for support under Chapter 3115. of the Revised Code, or an action that is within the exclusive original jurisdiction of the juvenile division of the court of common pleas of Butler county and that involves an allegation that the child is an abused, neglected, or dependent child, and post-decree proceedings and matters arising from those types of cases. The judge senior in point of service shall be charged with the assignment and division of the

work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge senior in point of service also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations 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 divorce, dissolution of marriage, legal separation, and annulment cases 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.

(2) The judges of the court of common pleas whose terms begin on January 3, 1987, and January 2, 2003, 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 Butler 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. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judges of the juvenile division shall not have jurisdiction or the power to hear and shall not be assigned, but shall have the limited ability and authority to certify, any case commenced by a party of a marriage to determine the custody, support, or custody and support of a child who is born of issue of the marriage and who is not the ward of another court of this state when the request for the order in the case is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation. The judge of the court of common pleas, juvenile division, who is senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments. The judge, senior in point of service, shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties.

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, include the handling, servicing, and investigation of juvenile cases 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.

(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.

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

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

- (a) Full charge of the employment, assignment, and supervision;
- (b) Sole determination of compensation, duties, expenses, allowances, hours, leaves, and vacations.

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

annulment matters.

(M) In Lake county:

(1) The judge of the court of common pleas whose term begins on January 2, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lake county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all the divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations 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 divorce, dissolution of marriage, legal separation, and annulment cases 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.

(2) The judge of the court of common pleas whose term begins on January 4, 1979, 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 Lake county, shall be elected and 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. The judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge 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, include the handling, servicing, and investigation of juvenile cases 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.

(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 term begins on January 2, 2005, and successors, and the judge of the court of common pleas, general division, whose term begins February 9, 2009, and successors, shall have assigned to them, in addition to all matters that are within the jurisdiction of the general division of the court of common pleas, all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, and all matters that are within the jurisdiction of the probate court under Chapter 2101., and other provisions, of the Revised Code.

(O) In Greene county:

(1) The judge of the court of common pleas whose term begins on January 1, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Greene county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and domestic violence cases and all other cases related to domestic relations, except cases that for some special reason are assigned to some other judge of the court of common pleas.

The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the division. The judge also shall designate the title, compensation, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. 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 and the provision of counseling and conciliation services that the division considers necessary and makes available to persons who request the services, whether or not the persons are parties in an action pending in the division. The compensation for the personnel shall be paid from the overall court budget and shall be included in the appropriations for the existing judges of the general division of the court of common pleas.

(2) The judge of the court of common pleas whose term begins on January 1, 1995, 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 Greene county, shall be elected and designated as judge of the court of common pleas, juvenile division, and, on or after January 1, 1995, shall be the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code with the powers and jurisdiction conferred by those chapters. The judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge 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, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the court makes available to persons, whether or not the persons are parties to an action pending in the court, who request the services.

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

(P) In Portage county, the judge of the court of common pleas, whose term begins January 2, 1987,

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 Portage 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 coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations 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 divorce, dissolution of marriage, legal separation, and annulment cases 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.

(Q) In Clermont county, the judge of the court of common pleas, whose term begins January 2, 1987, 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 Clermont 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 coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations 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 divorce, dissolution of marriage, legal separation, and annulment cases 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.

(R) In Warren county, the judge of the court of common pleas, whose term begins January 1, 1987, 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 Warren 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 coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations 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 divorce, dissolution of marriage, legal separation, and annulment cases 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.

(S) In Licking county, the judges of the court of common pleas, whose terms begin on January 1, 1991, and January 1, 2005, 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 Licking county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges 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 pleas. The administrative judge of the division of domestic relations shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

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 pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge 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.

(U) In Medina county, the judge of the court of common pleas whose term begins January 1, 1995, 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 Medina 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 pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge 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, in addition to other statutory duties, 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 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.

(V) In Fairfield county, the judge of the court of common pleas whose term begins January 2, 1995, 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 Fairfield 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 pleas. The judge also has concurrent jurisdiction with the probate-juvenile division of the court of common pleas of Fairfield county with respect to and may hear cases to determine the custody of a child, as defined in section 2151.011 of the Revised Code, who is not the ward of another court of this state, cases that are commenced by a parent, guardian, or custodian of a child, as defined in section 2151.011 of the Revised Code, to obtain an order requiring a parent of the child to pay child support for that child when the request for that order is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, an action for support under Chapter 3115. of the Revised Code, or an action that is within the exclusive original jurisdiction of the probate-juvenile division of the court of common pleas of Fairfield county and that involves an allegation that the child is an abused, neglected, or dependent child, and post-decree proceedings and matters arising from those types of cases.

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

The judge 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, regardless of whether the persons are parties to an action pending in the division, who request the services. When the judge hears a case to determine the custody of a child, as defined in section 2151.011 of the Revised Code, who is not the ward of another court of this state or a case that is commenced by a parent, guardian, or custodian of a child, as defined in section 2151.011 of the Revised Code, to obtain an order requiring a parent of the child to pay child support for that child when the request for that order is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, an action for support under Chapter 3115. of the Revised Code, or an action that is within the exclusive original jurisdiction of the probate-juvenile division of the court of common pleas of Fairfield county and that involves an allegation that the child is an abused, neglected, or dependent child, the duties of the personnel of the domestic relations division also include the handling, servicing, and investigation of those types of cases.

(W)(1) In Clark county, the judge of the court of common pleas whose term begins on January 2, 1995, 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 Clark county and shall be elected and designated as judge of the court of common pleas, domestic relations division. The judge shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code and all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction shall be assigned to the judge of the division of

domestic relations. All divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and other cases related to domestic relations shall be assigned to the domestic relations division, and the presiding judge of the court of common pleas shall assign the cases to the judge of the domestic relations division and the judges of the general division.

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

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

(X) In Scioto county, the judge of the court of common pleas whose term begins January 2, 1995, 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 Scioto 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, 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 pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge 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, in addition to other statutory duties, 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 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.

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

(Z)(1) In Marion county, the judge of the court of common pleas whose term begins on February 9, 1999, and the successors to that judge, 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 Marion county and shall be elected and designated as judge of the court of common pleas, domestic relations-juvenile-probate division. Except as otherwise specified in this division, that judge, and the successors to that judge, shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all cases arising under Chapter 3111. of the Revised Code, all divorce, dissolution of marriage, legal separation, and annulment cases, 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 shall be assigned to that judge and the successors to that judge. Except as provided in division (Z)(2) of this section and notwithstanding any other provision of any section of the Revised Code, on and after February 9, 2003, the judge of the court of common pleas of Marion county whose term begins on February 9, 1999, and the successors to that judge, shall have all the powers relating to the probate division of the court of common pleas of Marion county in addition to the powers previously specified in this division, and shall exercise concurrent jurisdiction with the judge of the probate division of that court over all matters that are within the jurisdiction of the probate division of that court under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division of that court otherwise specified in division (Z)(1) of this section.

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

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

(AA) In Muskingum county, the judge of the court of common pleas whose term begins on January 2, 2003, 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 Muskingum county and shall be elected and designated as the 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 pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge 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.

(BB) In Henry county, the judge of the court of common pleas whose term begins on January 1, 2005, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Henry county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall have all of the powers relating to juvenile courts, and all cases under Chapter 2151. or 2152. of the Revised Code, all parentage proceedings arising under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction, all divorce, dissolution of marriage, legal separation, and annulment cases, 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 shall be assigned to that judge, except in cases that for some special reason are assigned to the other judge of the court of common pleas.

(CC)(1) In Logan county, the judge of the court of common pleas whose term begins January 2, 2005, and the successors to that judge, 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 Logan county and shall be elected and designated as judge of the court of common pleas, domestic relations-juvenile-probate division. Except as otherwise specified in this division, that judge, and the successors to that judge, shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all cases arising under Chapter 3111. of the Revised Code, all divorce, dissolution of marriage, legal separation, and annulment cases, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and 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 shall be assigned to that judge and the successors to that judge. Notwithstanding any other provision of any section of the Revised Code, on and after January 2, 2005, the judge of the court of common pleas of Logan county whose term begins on January 2, 2005, and the successors to that judge, shall have all the powers relating to the probate division of the court of common pleas of Logan county in addition to the powers previously specified in this division and shall exercise concurrent jurisdiction with the judge of the probate division of that court over all matters that are within the jurisdiction of the probate division of that court under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division of that court otherwise specified in division (CC)(1) of this section.

(2) The judge of the domestic relations-juvenile-probate division of the court of common pleas of Logan county or the probate judge of the court of common pleas of Logan county who is elected as the administrative judge of the probate division of the court of common pleas of Logan county pursuant to Rule 4 of the Rules of Superintendence shall be the clerk of the probate division and juvenile division of the court of common pleas of Logan county. The clerk of the court of common pleas who is elected pursuant to section 2303.01 of the Revised Code shall keep all of the journals, records, books, papers, and files pertaining to the domestic relations cases.

(3) On and after January 2, 2005, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed, with respect to Logan county, as being references to both "the probate division" and the "domestic relations-juvenile-probate division" and as being references to both "the judge of the probate division" and the "judge of the domestic relations-juvenile-probate division." On and after January 2, 2005, all references in law to "the clerk of the probate court" shall be construed, with respect to Logan county, as being references to the judge who is serving pursuant to division (CC)(2) of this section as the clerk of the probate division of the court of common pleas of Logan county.

(DD)(1) In Champaign county, the judge of the court of common pleas whose term begins February 9, 2003, and the judge of the court of common pleas whose term begins February 10, 2009, and the successors to those judges, 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 Champaign county and shall be elected and designated as judges of the court of common pleas, domestic relations-juvenile-probate division. Except as otherwise specified in this division, those judges, and the successors to those judges, shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all cases arising under Chapter 3111. of the Revised Code, all divorce, dissolution of marriage, legal separation, and annulment cases, 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 shall be assigned to those judges and the successors to those judges. Notwithstanding any other provision of any section of the Revised Code, on and after February 9, 2009, the judges designated by this division as judges of the court of common pleas of Champaign county, domestic relations-juvenile-probate division, and the successors to those judges, shall have all the powers

relating to probate courts in addition to the powers previously specified in this division and shall exercise jurisdiction over all matters that are within the jurisdiction of probate courts under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division otherwise specified in division (DD)(1) of this section.

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

(EE) If a judge of the court of common pleas, division of domestic relations, or juvenile judge, of any of the counties mentioned in this section 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 another judge of the court of common pleas of that county, assigned for that purpose by the presiding judge of the court of common pleas of that county to act in place of or in conjunction with that judge, as the case may require.

CREDIT(S)

(2010 H 10, eff. 6-17-10; 2009 H 1, eff. 7-17-09; 2007 S 155, eff. 12-21-07; 2005 S 128, eff. 12-20-05; 2004 H 38, eff. 6-17-04; 2003 H 86, § 3, eff. 1-1-04; 2003 H 86, § 1, eff. 11-13-03; 2003 H 95, § 3.13, eff. 1-1-04; 2003 H 95, § 1, eff. 9-26-03; 2003 H 26, eff. 8-8-03; 2002 H 490, eff. 1-1-04; 2002 H 530, eff. 12-18-02; 2002 H 8, eff. 8-5-02; 2002 H 393, eff. 7-5-02; 2001 H 11, § 3, eff. 1-1-02; 2001 H 11, § 1, eff. 10-31-01; 2000 S 179, § 3, eff. 1-1-02; 2000 S 180, eff. 3-22-01; 2000 H 583, eff. 6-14-00; 1998 H 444, eff. 1-15-98; 1997 H 408, eff. 10-1-97; 1996 H 377, eff. 10-17-96; 1996 S 269, eff. 7-1-96; 1995 H 151, eff. 12-4-95; 1994 H 21, eff. 2-4-94; 1992 S 273, eff. 3-6-92; 1990 H 211, H 514, H 837, H 648, H 390; 1987 S 171; 1986 H 815; 1984 H 113, H 82; 1982 H 245; 1980 H 961; 1978 H 246; 1976 H 468; 1975 S 145, H 1; 1974 H 233, H 818; 1973 S 201; 1969 S 49, H 7; 132 v H 880; 131 v H 165; 130 v H 151, H 467; 128 v 147; 127 v 475; 126 v 778; 125 v 896; 1953 H 1; Source--GC 1532, 1532-1, 1532-2)

UNCODIFIED LAW

2002 H 530, § 7, eff. 12-18-02, reads:

The amendment by this act to division (B)(3) of section 2301.33 [sic.] of the Revised Code is identical to the amendment of that division of that section by Sub. H.B. 8 of the 124th General Assembly. The United States District Court of the Southern District of Ohio, in *Bookfriends, Inc. v. Taft*, 232 F. Supp.2d 932 (2002), issued a preliminary injunction enjoining to an uncertain extent the operation of Sub. H.B. 8. By thus re-enacting the amendment of Sub. H.B. 8 to division (B)(3) of section 2301.33 [sic.] of the Revised Code, the General Assembly intends to confirm that the amendment is nevertheless effective as part of the law.

HISTORICAL AND STATUTORY NOTES

Ed. Note: Guidelines for Assignment of Judges were announced by the Chief Justice of the Ohio Supreme Court on 5-24-88, and revised 2-25-94 and 3-25-94, but not adopted as rules pursuant to Const Art IV § 5. For the full text, see 37 OS(3d) xxxix, 61 OBar A-2 (6-13-88) and 69 OS(3d) XCIX, 67 OBar xiii (4-18-94).

Amendment Note: 2010 H 10 added the third sentence to division (K)(1); and added the second sentence in division (K)(2).

Amendment Note: 2009 H-1 rewrote division (C), which prior to amendment read:

"(C)(1) In Lorain county:

"(a) The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and February 9, 2009, 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 Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. They shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas.

"(b) On and after January 1, 2006, the judges of the court of common pleas, division of domestic relations, in addition to the powers and jurisdiction set forth in division (C)(1)(a) of this section, shall have jurisdiction over matters that are within the jurisdiction of the probate court under Chapter 2101. and other provisions of the Revised Code. From January 1, 2006, through February 8, 2009, the judges of the court of common pleas, division of domestic relations, shall exercise probate jurisdiction concurrently with the probate judge.

"(c) The judge of the court of common pleas, division of domestic relations, whose term begins on February 9, 2009, is the successor to the probate judge who was elected in 2002 for a term that began on February 9, 2003.

"(2)(a) From January 1, 2006, through February 8, 2009, with respect to Lorain county, all references in law to the probate court shall be construed as references to both the probate court and the court of common pleas, division of domestic relations, and all references in law to the probate judge shall be construed as references to both the probate judge and the judges of the court of common pleas, division of domestic relations. On and after February 9, 2009, with respect to Lorain county, all references in law to the probate court shall be construed as references to the court of common pleas, division of domestic relations, and all references to the probate judge shall be construed as references to the judges of the court of common pleas, division of domestic relations.

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

Amendment Note: 2007 S 155 rewrote the first paragraph of division (B)(3); added divisions (DD)(1) and (DD)(2); and redesignated former division (DD) as division (EE). Prior to amendment, division (B)(3) read:

"The judge of the court of common pleas of Hamilton county whose term begins on January 3, 1997, and the successor to that judge whose term begins on January 3, 2003, shall each be elected and designated for one term only as the drug court judge of the court of common pleas of Hamilton county. The successors to the judge whose term begins on January 3, 2003, shall be elected and designated as judges of the general division of the court of common pleas of Hamilton county and shall not have the authority granted by division (B)(3) of this section. The drug court judge may accept or reject any case referred to the drug court judge under division (B)(3) of this section. After the drug court judge accepts a referred case, the drug court judge has full authority over the case, including the authority to conduct arraignment, accept pleas, enter findings and dispositions, conduct trials, order treatment, and if treatment is not successfully completed pronounce and enter sentence."

Amendment Note: 2005 S 128 rewrote division (C), which prior thereto read:

"(C) In Lorain county, the judges of the court of common pleas whose terms begin on January 3,

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1959, January 4, 1989, and January 2, 1999, 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 Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. They shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas."

Amendment Note: 2004 H 38 deleted "to that judge" and "that come before the court" in the second sentence of division (G)(1); added "all domestic violence cases arising under section 3113.31 of the Revised Code, and all post-decree proceedings arising from any case pertaining to any of those matters." and the next sentence immediately following in division (G)(1); inserted "or parentage, the care", "or control of children, parenting time or" and ", all proceedings arising under uniform interstate family support act contained in Chapter 3115. of the Revised Code," in division (G)(1); deleted the last sentence in division (G)(1), which read "The judge of the division of domestic relations shall have assigned to that judge and hear all proceedings under the uniform interstate family support act contained in Chapter 3115. of the Revised Code."; and added the last paragraph in division (G) (1).

In division (G)(2), inserted "or parentage, the care" and "or control of children, parenting time or" in the second to the last sentence; and inserted "In addition to the judge's regular duties, the" in the second paragraph of division (G)(2). In division (S), inserted "and January 1, 2005,"; inserted "administrative" and "of the division of domestic relations" in the last sentence of the first paragraph of division (S) and the first sentence of the second paragraph of division (S). Division (AA) was rewritten and prior thereto read:

"(AA) In Muskingum county, the judge of the court of common pleas whose term begins on January 2, 2003, 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 Muskingum county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall be assigned and hear all divorce, dissolution of marriage, legal separation, and annulment cases and all proceedings under the uniform interstate family support act contained in Chapter 3115, of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge shall be assigned and hear all cases pertaining to paternity, visitation, 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, and all post-decree proceedings arising from any case pertaining to any of those matters."

Amendment Note: 2003 H 86, § 1 and 3, designated division (N)(1) and inserted "to that judge whose terms begin before January 2, 2007" therein; added the second paragraph in division (N)(1) and added division (N)(2); redesignated former division (CC) as division (DD) and added new division (CC); and made other nonsubstantive changes.

Amendment Note: 2003 H 95, § 1 and 3.13, rewrote Division (G), which prior thereto read:

"(G) In Richland county, the judge of the court of common pleas whose term begins on January 1, 1957, 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 Richland county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. That judge shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to that judge, except in cases that for some special reason are assigned to some other judge of the court of common pleas."

Amendment Note: 2003 H 26 added new division (BB); and redesignated former division (BB) as new division (CC).

Amendment Note: 2002 H 490 substituted "condition of a community control sanction" for "term of probation" in the second paragraph of division (B)(3); inserted new division (B)(5); and rewrote division (B)(3)(b)(i), which prior thereto read: "(i) the case involves a probationable offense or a case in which a mandatory prison term is not required to be imposed."

Amendment Note: 2002 H 530 rewrote the first sentence of division (B)(3), which prior thereto read:

"(3) The judge of the court of common pleas of Hamilton county whose term begins on January 3, 1997, shall be elected and designated for one term only as the drug court judge of the court of common pleas of Hamilton county, and the successors to that judge shall be elected and designated as judges of the general division of the court of common pleas of Hamilton county and shall not have the authority granted by division (B)(3) of this section."

Amendment Note: 2002 H 8 rewrote the first sentence of division (B)(3) which prior thereto read:

"(3) The judge of the court of common pleas of Hamilton county whose term begins on January 3, 1997, shall be elected and designated for one term only as the drug court judge of the court of common pleas of Hamilton county, and the successors to that judge shall be elected and designated as judges of the general division of the court of common pleas of Hamilton county and shall not have the authority granted by division (B)(3) of this section."

Amendment Note: 2002 H 393 rewrote division (AA) which prior thereto read:

"(AA) In Muskingum county, the judge of the court of common pleas whose term begins on January 2, 2003, 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 Muskingum county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall have all of the powers relating to juvenile courts and shall be assigned all cases under Chapter 2151. or 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, 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, the designation for the children of a place of residence and legal custodian, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except cases that for some special reason are assigned to some other judge of the court of common pleas."

Amendment Note: 2001 H 11, § 1 and 3 substituted "county" for "County" in division (B)(3); substituted "judges" for "judge" three times and "terms begin" for "term begins" once and inserted "and January 2, 2003", "who is senior in point of service" and ", senior in point of service," twice in division (K)(2); added new division (AA); and redesignated former division (AA) as new division (BB).

Amendment Note: 2000 S 179, § 3, eff. 1-1-02, added references to Chapter 2152 throughout the section; substituted "2152.71" for "2151.18" in the third paragraph in division (H); and made other nonsubstantive changes.

Amendment Note: 2000 S 180 added "parenting time," throughout the section.

Amendment Note: 2000 H 583 added the third and fourth sentences in the first paragraphs in divisions (I)(1) and (I)(2); and made other nonsubstantive changes.

Amendment Note: 1998 H 444, in division (C), inserted "and January 2, 1999,"; added new division (Z); redesignated former division (Z) as new division (AA); and made other nonsubstantive changes.

Amendment Note: 1997 H 408 deleted "as administrator of the bureau of aid to dependent children and shall serve" before "in every other position" in the third paragraph in division (H); and made other nonsubstantive changes.

Amendment Note: 1996 H 377 rewrote division (V); made changes to reflect gender neutral language; and made other nonsubstantive changes. Prior thereto division (V) read:

"(V) In Fairfield county, the judge of the court of common pleas whose term begins January 2, 1995, 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 Fairfield county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall have assigned to him all the 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, 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 pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

"The judge 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, and visitation, and providing any counseling and conciliation services that the division makes available to persons, regardless of whether the persons are parties to an action pending in the division, who request the services."

Amendment Note: 1996 S 269 inserted "and January 2, 1997" in division (A); made changes to reflect gender neutral language; and made other nonsubstantive changes.

Amendment Note: 1995 H 151 added divisions (B)(3) and (B)(4); designated division (W)(1); deleted "chief justice or" before "presiding judge" in division (Z); and made other nonsubstantive changes.

Amendment Note: 1994 H 21 inserted "of marriage" after "dissolution" throughout; changed references to domestic relations courts to references to domestic relations divisions throughout; substituted "referees" for "references" in divisions (D)(2), (E)(1), and (E)(2); deleted ", on and after January 3, 1987," before "shall be the juvenile judge" in the first paragraph of division (K)(2); deleted

”, on and after January 1, 1985,” after “In Greene county” at the beginning of division (O); added division (O)(2); redesignated former division (O)(2) as division (O)(3); added “and the judge of the juvenile division” at the end of division (O)(3); substituted “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” for “child custody” throughout divisions (S) and (T); added divisions (U) through (Y); and redesignated former division (U) as division (Z).

OH ST § 3105.011

R.C. § 3105.011

Baldwin's Ohio Revised Code Annotated Currentness

Title XXXI. Domestic Relations--Children

*Chapter 3105. Divorce, Legal Separation, Annulment, Dissolution of Marriage (Refs & Annos)

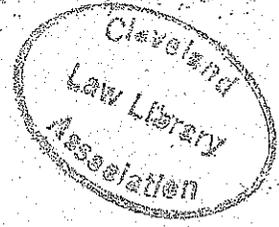
*Divorce; General Provisions

➔**3105.011 Equitable powers in domestic relations matters**

The court of common pleas including divisions of courts of domestic relations, has full equitable powers and jurisdiction appropriate to the determination of all domestic relations matters. This section is not a determination by the general assembly that such equitable powers and jurisdiction do not exist with respect to any such matter.

CREDIT(S)

(1975 H 370, eff. 8-1-75)



Baldwin's

OHIO
REVISED CODE

ANNOTATED

CERTIFIED TEXT OF LAWS AS OFFICIALLY ADOPTED AND AMENDED

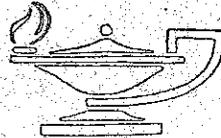
1958

WILLIAM EDWARD BALDWIN, D.C.L.

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Sec. 3105.02 (8003-2). Prohibition.

No person shall advertise, print, publish, distribute, or circulate a circular, pamphlet, card, handbill, advertisement, printed paper, book, newspaper, or notice, or cause such to be done, with *the* intent to procure or aid in procuring divorces, either in this state or elsewhere. This section *** *does* not apply to the printing or publishing of a notice or advertisement authorized by law.

Sec. 3105.03 (8003-3). Place where action shall be brought.

Except in an action for alimony alone, the plaintiff shall have been a resident of the state at least one year immediately before filing the petition. Actions for divorce or for alimony shall be brought in the county of which the plaintiff is and has been *** a bona fide resident for at least ninety days immediately preceding the filing of the petition, or in the county where the cause of action arose. The court of *common pleas* shall hear and determine the case, whether the marriage took place, or the cause of divorce occurred, within or without the state.

Sec. 3105.04 (8003-4). Residence of wife.

When a wife files a petition for *** divorce *** or for alimony, the residence of her husband *** *does* not preclude her from the provisions of sections *** 3105.01 to 3105.21, inclusive, of the *** *Revised Code*.

Sec. 3105.05 (8003-6). Service on residents.

When the defendant *in an action for divorce or for alimony* is a resident of this state, the clerk of the court of *common pleas* shall issue a summons *** directed to the sheriff of the county in which *** *such defendant* resides or is found, which *** together with a copy of the petition shall be served on him at least six weeks before the hearing of the cause.

Sec. 3105.06 (8003-7). Notice to nonresidents.

R.C. § 3109.05

Baldwin's Ohio Revised Code Annotated Currentness

Title XXXI. Domestic Relations--Children

Chapter 3109. Children (Refs & Annos)

Parental Rights and Responsibilities

→**3109.05 Support orders; medical needs**

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

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

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

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

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

(D) The court shall not authorize or permit the escrowing, impoundment, or withholding of any child support payment ordered under this section or any other section of the Revised Code because of a denial of or interference with a right of parenting time granted to a parent in an order issued under this section or section 3109.051 or 3109.12 of the Revised Code or companionship or visitation granted in an order issued under this section, section 3109.051, 3109.11, 3109.12, or any other section of the Revised Code, or as a method of enforcing the specific provisions of any such order dealing with parenting time or visitation.

CREDIT(S)

(2000 S 180, eff. 3-22-01; 1999 H 471, eff. 7-1-00; 1997 H 352, eff. 1-1-98; 1993 H 173, eff. 12-31-93; 1993 S 115; 1992 S 10; 1990 S 3, H 514, H 591, H 15; 1988 H 708; 1987 H 231; 1986 H 509; 1984 H 614; 1981 H 694, H 71; 1974 H 233; 1971 H 163, H 544; 1953 H 1; GC 8005-5; Source--GC 8034)

R.C. § 3111.06

Baldwin's Ohio Revised Code Annotated Currentness

Title XXXI. Domestic Relations--Children

* Chapter 3111. Parentage (Refs & Annos)

* Practice and Procedure

* **3111.06 Jurisdiction**

(A) Except as otherwise provided in division (B) or (C) of section 3111.381 of the Revised Code, an action authorized under sections 3111.01 to 3111.18 of the Revised Code may be brought in the juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the county in which the child, the child's mother, or the alleged father resides or is found or, if the alleged father is deceased, of the county in which proceedings for the probate of the alleged father's estate have been or can be commenced, or of the county in which the child is being provided support by the county department of job and family services of that county. An action pursuant to sections 3111.01 to 3111.18 of the Revised Code to object to an administrative order issued pursuant to former section 3111.21 or 3111.22 or sections 3111.38 to 3111.54 of the Revised Code determining the existence or nonexistence of a parent and child relationship that has not become final and enforceable, may be brought only in the juvenile court or other court with jurisdiction of the county in which the child support enforcement agency that issued the order is located. If an action for divorce, dissolution, or legal separation has been filed in a court of common pleas, that court of common pleas has original jurisdiction to determine if the parent and child relationship exists between one or both of the parties and any child alleged or presumed to be the child of one or both of the parties.

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

CREDIT(S)

(2006 H 136, eff. 5-17-06; 2000 S 180, eff. 3-22-01; 1999 H 471, eff. 7-1-00; 1997 H 352, eff. 1-1-98; 1990 H 514, eff. 1-1-91; 1986 H 476; 1982 H 245)

UNCODIFIED LAW

1992 S 10, § 5: See Uncodified Law under 3111.01.

1982 H 245, § 3: See Uncodified Law under 3111.04.

HISTORICAL AND STATUTORY NOTES

Ed. Note: Former 3111.06 repealed by 1982 H 245, eff. 6-29-82; 127 v 1039; 125 v 184; 1953 H 1; GC 8006-6; Source--GC 12113. 3111.06 contains provisions analogous to former 3111.08, repealed by 1982 H 245, eff. 6-29-82.

Pre-1953 H 1 Amendments: 124 v S 65

Amendment Note: 2006 H 136 substituted "Except as otherwise provided in division (B) or (C) of section 3111.381 of the Revised Code, an" for "An" in the first sentence of division (A).

Amendment Note: 2000 S 180 rewrote division (A) and substituted "3111.18" for "3111.19" in division (B). Prior to amendment division (A) read:

"(A) The juvenile court has original jurisdiction of any action authorized under sections 3111.01 to

[Appx. 99]

3111.19 of the Revised Code. An action may be brought under those sections in the juvenile court of the county in which the child, the child's mother, or the alleged father resides or is found or, if the alleged father is deceased, of the county in which proceedings for the probate of the alleged father's estate have been or can be commenced, or of the county in which the child is being provided support by the county department of job and family services of that county. An action pursuant to sections 3111.01 to 3111.19 of the Revised Code to object to an administrative order issued pursuant to former section 3111.21 or section 3111.22 of the Revised Code determining the existence or nonexistence of a parent and child relationship that has not become final and enforceable, may be brought only in the juvenile court of the county in which the child support enforcement agency that issued the order is located. If an action for divorce, dissolution, or legal separation has been filed in a court of common pleas, that court of common pleas has original jurisdiction to determine if the parent and child relationship exists between one or both of the parties and any child alleged or presumed to be the child of one or both of the parties."

Amendment Note: 1999 H 471 substituted "county department of job and family services" for "department of human services" in division (A).

Amendment Note: 1997 H 352 added the third sentence in division (A); and made changes to reflect gender neutral language.

CROSS REFERENCES

Jurisdiction of juvenile court, 2151.23

Service of process, Civ R 4 to 4.6.



Baldwin's Ohio Revised Code Annotated Currentness

Title XXXI. Domestic Relations--Children

Chapter 3111. Parentage (Refs & Annos)

Administrative Determination of Existence or Nonexistence of Parent and Child Relationship

→ **3111.381 Requirements to bring action; jurisdiction**

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

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

(C) An action to determine the existence or nonexistence of a parent and child relationship may be brought by the putative father of the child in the appropriate division of the court of common pleas in the county in which the child resides, without requesting an administrative determination, if the putative father brings the action in order to request an order to determine the allocation of parental rights and responsibilities. The clerk of the court shall forward a copy of the complaint to the child support enforcement agency of the county in which the complaint is filed.

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

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

If an action for divorce, dissolution of marriage, or legal separation, or an action under section 2151.231 or 2151.232 of the Revised Code requesting an order requiring the payment of child support and provision for the

health care of a child, has been filed in a court of common pleas and a question as to the existence or nonexistence of a parent and child relationship arises, the court in which the original action was filed shall retain jurisdiction to determine the existence or nonexistence of the parent and child relationship without an administrative determination being requested from a child support enforcement agency.

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

CREDIT(S)

(2006 H 136, eff. 5-17-06; 2000 S 180, eff. 3-22-01)

Current through 2010 File 54 of the 128th GA (2009-2010), apv. by 10/27/10 and filed with the Secretary of State by 10/27/10.

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Baldwin's Ohio Revised Code Annotated Currentness
Title XXXI. Domestic Relations--Children
 Chapter 3115. Interstate Family Support (Refs & Annos)
 General Provisions
 → **3115.01 Definitions**

As used in sections 3115.01 to 3115.59 of the Revised Code:

(A) "Child" means an individual under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(B) "Child support order" means an order for the support of a child that provides for monetary support, whether current or in arrears, health care, or reimbursements, and may include related costs and fees, interest, income withholding requirements, attorney fees, and other relief. "Child support order" includes:

(1) An order under which the child has attained the age of majority under the law of the issuing state and amounts for current support are required to be paid, or arrearages are owed, under the order;

(2) An order under which the child has attained the age of majority under the laws of this state but has not attained the age of majority under the laws of the issuing state and amounts for current support are required to be paid, or arrearages are owed, under the order.

(C) "Duty of support" means an obligation imposed or that may be imposed under law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(D) "Home state" means the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately preceding the time of filing of a complaint or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

(E) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

(F) "Income withholding order" means an order or other legal process directed to an obligor's payor to withhold support from the income of the obligor.

(G) "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under sections 3115.01 to 3115.59 of the Revised Code or a law or procedure substantially similar to those sections, the uniform reciprocal enforcement of support act, or the revised uniform reciprocal enforcement of support act.

(H) "Initiating tribunal" means the authorized tribunal in an initiating state.

(I) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

(J) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining the existence or nonexistence of a parent and child relationship.

(K) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(L) "Obligee" means any of the following:

(1) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(2) A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee;

(3) An individual seeking a judgment determining parentage of the individual's child.

(M) "Obligor" means an individual, or the estate of a decedent to which any of the following applies:

(1) The individual or estate owes or is alleged to owe a duty of support;

(2) The individual is alleged but has not been adjudicated to be a parent of a child;

(3) The individual or estate is liable under a support order.

(N) "Payor" has the same meaning as in section 3121.01 of the Revised Code.

(O) "Register" means to file a support order or judgment determining the existence or nonexistence of a parent and child relationship in a registering tribunal.

(P) "Registering tribunal" means a tribunal in which a support order is registered.

(Q) "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under sections 3115.01 to 3115.59 of the Revised Code or a law or procedure substantially similar to those sections, the uniform reciprocal enforcement of support act, or the revised uniform reciprocal enforcement of support act.

(R) "Responding tribunal" means the authorized tribunal in a responding state.

(S) "Revised uniform reciprocal enforcement of support act" means the act addressing interstate enforcement of support orders adopted in 1968 by the national conference of commissioners on uniform state laws or any law substantially similar to the act adopted by another state.

(T) "Spousal support order" means an order for the support of a spouse or former spouse that provides for monetary support, whether current or in arrears, health care, or reimbursements, and may include related costs and fees, interest, income withholding requirements, attorney fees, and other relief.

(U) "State" has the same meaning as in section 1.59 of the Revised Code, except that it also includes both of the following:

(1) An Indian tribe;

(2) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under sections 3115.01 to 3115.59 of the Revised Code, the uniform reciprocal enforcement of support act, or the revised uniform reciprocal enforcement of support act.

(V) "Support enforcement agency" means a public official or agency authorized to do any of the following:

(1) Seek enforcement of support orders or laws relating to the duty of support;

(2) Seek establishment or modification of child support;

(3) Seek determination of the existence or nonexistence of a parent and child relationship;

(4) Locate obligors or their assets.

(W) "Support order" means a spousal support order or child support order.

R.C. § 3115.01

(X) "Tribunal" means any trial court of record of this state and when the context requires, a court, administrative agency, or quasi-judicial entity of any other state authorized to establish, enforce, or modify support orders or to determine parentage:

(Y) "Uniform reciprocal enforcement of support act" means the act addressing interstate enforcement of support orders adopted in 1950 and amended in 1952 and 1958 by the national conference of commissioners on uniform state laws or any law substantially similar to the act adopted by another state.

CREDIT(S)

(2000 S 180, eff. 3-22-01; 1997 H 352, eff. 1-1-98)

Current through 2010 File 54 of the 128th GA (2009-2010), apv. by 10/27/10 and filed with the Secretary of State by 10/27/10.

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9 App(3d) 194, 9 OBR 305, 459 NE(2d) 242 (Summit 1983), *Iowa ex rel Cantrell v Cantrell*. A violation of a custody order is not a defense to a state's action under the Uniform Reciprocal Enforcement of Support Act for reimbursement of support provided and for current support of a minor child.

53 App(2d) 331, 374 NE(2d) 164 (1977), *McCoy v McCoy*. Under RC 3115.21, a father's duty to reimburse another state for child support payments pursuant to the Uniform Reciprocal Enforcement of Support Act is conditioned on the mother's inability to pay, and the mother's removal of the child from the jurisdiction in contravention of the court's order is of no consequence.

3115.08 Proceedings for support; jurisdiction

(A) All duties of support, including the duty to pay arrearages, are enforceable by a proceeding under sections 3115.01 to 3115.34, inclusive, of the Revised Code, including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife or parent and child is not available to the obligor.

(B) Jurisdiction of all proceedings under sections 3115.01 to 3115.22, inclusive, of the Revised Code, is vested in any trial court of record.

HISTORY: 1971 H 504, eff. 10-27-71

Note: 3115.08 is former 3115.05 recodified by 1971 H 504, eff. 10-27-71; 1969 H 361; 126 v 560; 1953 H 1; GC 8007-9.

Note: Former 3115.08 recodified as 3115.16 by 1971 H 504, eff. 10-27-71; 126 v 560; 1953 H 1; GC 8007-12.

PRACTICE AND STUDY AIDS

Baldwin's Ohio Domestic Relations Law, Text 19.14(C), 23.02(A)(C)
Merrick-Rippner, Ohio Probate Law (4th Ed.), Text 225.04(C)

CROSS REFERENCES

Jurisdiction of juvenile court, 2151.23
Charges against adults; defendant bound over to grand jury, 2151.43
Contempt action for failure to pay support, 2705.031, 2705.05

LEGAL ENCYCLOPEDIAS AND ALR

OJur 3d: 26, Criminal Law § 600; 45, Family Law § 1; 46, Family Law § 400; 47, Family Law § 639, 647
Am Jur 2d: 23, Desertion and Nonsupport § 141

NOTES ON DECISIONS AND OPINIONS

3 Dom Rel J of Ohio 147 (November/December 1991), *Foreign Support Decrees—Overcoming Procedural Barriers*, Hon. Judith A. Nicely.

63 App(3d) 798, 580 NE(2d) 448 (Medina 1989), *Nardone v Nardone*. An ex-wife's petition to register a foreign support order in the common pleas court located in the county where she moves after the dissolution of her marriage is not improperly filed on the grounds that her ex-husband resides in the same county since the statute provides that the support order may be filed in the county where the obligee resides and the court of that county cannot refuse jurisdiction.

No. 8-87-13 (3d Dist Ct App, Logan, 11-8-88), *Cochenour v Bradley*. Under the broad wording of RC 3115.08, a trial court has jurisdiction to hear child support actions involving parties residing in different counties within Ohio, as well as parties residing in different states.

No. CA-479 (12th Dist Ct App, Clinton, 9-21-83), *Heavenridge v Heavenridge*. In a suit for nonpayment of child support brought subsequent to decedent's death where decedent was ordered to make child support payments through the clerk of courts, the

defense of laches is not available to the executor of decedent's estate merely on the grounds that decedent's death and the lapse of time since such do not constitute material prejudice.

3115.09 Contents of complaint; venue

(A) The complaint shall be verified and shall state the name and, so far as known to the obligee, the address and circumstances of the obligor and the persons for whom support is sought, and shall state all other pertinent information.

The obligee may include in or attach to the complaint any information which may help in locating or identifying the defendant including, but without limitation by enumeration:

- (1) A photograph of the defendant;
- (2) A description of any distinguishing marks of his person;
- (3) Other names and aliases by which he has been or is known;
- (4) The name of his employer;
- (5) His fingerprints;
- (6) His social security number.

(B) The complaint may be filed in the appropriate court of any state in which the obligee resides. The court shall not decline or refuse to accept and forward the complaint on the ground that it should be filed with some other court of this or any other state where there is pending another action for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody between the same parties or where another court has already issued a support order in some other proceeding and has retained jurisdiction for its enforcement.

HISTORY: 1971 H 504, eff. 10-27-71

Note: 3115.09 is former 3115.06 recodified by 1971 H 504, eff. 10-27-71; 126 v 560; 1953 H 1; GC 8007-10.

Note: Former 3115.09 recodified as 3115.23 by 1971 H 504, eff. 10-27-71; 1953 H 1; GC 8007-15.

PRACTICE AND STUDY AIDS

Baldwin's Ohio Domestic Relations Law, Text 19.14(C), 23.02(A)(C)

CROSS REFERENCES

Habeas corpus, Ch 2725
Divorce, alimony, annulment, dissolution of marriage, Ch 3105
Adoption, Ch 3107
Support of children, 3109.05
Visitation rights, 3109.051
Uniform child custody jurisdiction law, 3109.21 to 3109.37
Commencement of action, venue, Civ R 3

LEGAL ENCYCLOPEDIAS AND ALR

OJur 3d: 26, Criminal Law § 600; 45, Family Law § 1; 47, Family Law § 639, 647
Am Jur 2d: 23, Desertion and Nonsupport § 129, 139 to 142
Determination of paternity of child as within scope of proceeding under Uniform Reciprocal Enforcement of Support Act. 81 ALR3d 1175

NOTES ON DECISIONS AND OPINIONS

63 App(3d) 798, 580 NE(2d) 448 (Medina 1989), *Nardone v Nardone*. An ex-wife's petition to register a foreign support order in the common pleas court located in the county where she moves after the dissolution of her marriage is not improperly filed on the grounds that her ex-husband resides in the same county since the

R.C. § 3115.16

Baldwin's Ohio Revised Code Annotated Currentness

Title XXXI. Domestic Relations--Children

* Chapter 3115. Interstate Family Support (Refs & Annos)

* Civil Provisions of General Application

* **3115.16 Duties and powers of responding tribunal**

(A) When a responding tribunal of this state receives a complaint or comparable pleading from an initiating tribunal or directly pursuant to section 3115.12 of the Revised Code, it shall cause the complaint or pleading to be filed and notify the plaintiff where and when it was filed.

(B) A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following consistent with applicable sections of Chapters 3105., 3109., 3111., 3113., 3119., 3121., 3123., and 3125. of the Revised Code:

(1) Issue or enforce a support order, modify a child support order, or determine the existence or nonexistence of a parent and child relationship;

(2) Order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) Order income withholding;

(4) Determine the amount of any arrearages, and specify a method of payment;

(5) Enforce orders by civil or criminal contempt, or both;

(6) Set aside property for satisfaction of the support order;

(7) Place liens and order execution on the obligor's property;

(8) Order an obligor to keep the support enforcement agency of this state or the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) Issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;

(10) Order the obligor to seek appropriate employment by specified methods;

(11) Award reasonable attorney's fees and other fees and costs;

(12) Grant any other available remedy.

(C) A responding tribunal or support enforcement agency of this state shall include in a support order issued under sections 3115.01 to 3115.59 of the Revised Code, or in the documents accompanying the order, the calculations on which the support order is based.

(D) A responding tribunal of this state may not condition the payment of a support order issued under sections 3115.01 to 3115.59 of the Revised Code upon compliance by a party with provisions for parenting time or visitation.

(E) If a responding tribunal or support enforcement agency of this state issues an order under sections 3115.01 to 3115.59 of the Revised Code, the tribunal or support enforcement agency shall send a copy of the order to the plaintiff and the defendant and to the initiating tribunal, if any.

CREDIT(S)

(2000 S 180, eff. 3-22-01; 1997 H 352, eff. 1-1-98)

HISTORICAL AND STATUTORY NOTES

Ed. Note: Former 3115.16 repealed by 1997 H 352, eff. 1-1-98; 1986 H 428, eff. 12-23-86; 1971 H 504, eff. 10-27-71.

Ed. Note: Former 3115.16 was former 3115.08 recodified by 1971 H 504, eff. 10-27-71; 126 v 560; 1953 H 1; GC 8007-12.

Ed. Note: Prior 3115.16 repealed by 1971 H 504, eff. 10-27-71; 126 v 560.

Amendment Note: 2000 S 180 inserted "3119., 3121., and 3125." in division (B); inserted "support enforcement agency of this state or the" in division (B)(8); inserted "or support enforcement agency" once in division (C) and twice in division (E); and inserted "parenting time or" in division (D).

C

Baldwin's Ohio Revised Code Annotated Currentness

Title XXXI. Domestic Relations--Children

Chapter 3115. Interstate Family Support (Refs & Annos)

Determination of Parentage

→ **3115.52 Proceeding to determine parentage**

(A) A tribunal or support enforcement agency of this state may serve as an initiating or responding tribunal in a proceeding brought under sections 3115.01 to 3115.59 of the Revised Code or a law or procedure substantially similar to those sections, the uniform reciprocal enforcement of support act, or the revised uniform reciprocal enforcement of support act to determine the existence or nonexistence of a parent and child relationship with respect to the parties.

(B) In a proceeding pursuant to division (A) of this section, a responding tribunal of this state shall comply with Chapter 3111. of the Revised Code and the rules of this state on choice of law.

CREDIT(S)

(2000 S 180, eff. 3-22-01; 1997 H 352, eff. 1-1-98)

HISTORICAL AND STATUTORY NOTES

Amendment Note: 2000 S 180 inserted "or support enforcement agency" in division (A); and substituted "Chapter 3111." for "sections 3111.01 to 3111.19" in division (B).

CROSS REFERENCES

Presumptions regarding father-child relationship, 3111.03

OHIO ADMINISTRATIVE CODE REFERENCES

Interstate paternity, OAC 5101:1-30-52

LIBRARY REFERENCES

Child Support ↪ 509(1).

Children Out-of-Wedlock ↪ 36.

Westlaw Topic Nos. 76E, 76H.

C

Baldwin's Ohio Revised Code Annotated Currentness

Title XXXI. Domestic Relations--Children

Chapter 3115. Interstate Family Support (Refs & Annos)

Miscellaneous Provisions

→ **3115.57 Effect of orders issued prior to effective date of Act**

An order issued prior to the effective date of this section pursuant to former Chapter 3115. of the Revised Code shall remain in full force and effect as issued, but may be modified or terminated pursuant to Chapter 3115. of the Revised Code as that chapter exists on and after the effective date of this section. The provisions of section 3115.41 of the Revised Code shall not revive any action that could not be filed prior to the effective date of this section under provisions of former section 3115.06 of the Revised Code.

CREDIT(S)

(1997 H 352, eff. 1-1-98)

OHIO ADMINISTRATIVE CODE REFERENCES

Child support, other procedural matters, OAC 5101:1-30-501

LIBRARY REFERENCES

Child Support ⚔ 501(4).

Westlaw Topic No. 76E.

Baldwin's Ohio Legislative Service Annotated, 1997 H 352--LSC Analysis, p 9/L-2719

RESEARCH REFERENCES

Treatises and Practice Aids

Sowald and Morganstern, Baldwin's Ohio Practice, Domestic Relations Law § 23:42, RURESA--In General.

R.C. § 3115.57, OH ST § 3115.57

Current through 2010 File 54 of the 128th GA (2009-2010), apv. by 12/8/10 and filed with the Secretary of State by 12/8/10.

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