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Substitute Bill Comparative Synopsis

Sub. H.B. 508

134th General Assembly

House Civil Justice

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_134_1415-6)
Evidentiary standard	
<p>Provides that the evidentiary standard is “clear and convincing” for determining the following:</p> <ul style="list-style-type: none">▪ Rebutting a presumption that a shared parenting agreement is in the best interest of the child;▪ Rebutting a presumption that equal decision-making rights and responsibilities between the parents, with both parents remaining legal custodians and residential parents, is in the	<p>Changes “clear and convincing” to a lower standard of “a preponderance of the evidence” (<i>R.C. 3109.0410, 3109.0412(A), 3109.0420, 3109.0424, 3109.0425, 3109.0436(B)(1) and (2), 3109.0451, and 3109.0483(C)</i>).</p>

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<p>best interest of the child, when the parents do not submit a shared parenting agreement;</p> <ul style="list-style-type: none"> ▪ Rebutting a presumption that equal parenting time is in the best interest of the child, when the parents do not submit a shared parenting agreement; ▪ Whether it would be detrimental to the child to incorporate into a temporary order allocating parental rights and responsibilities (temporary order) the terms that the parents jointly requested; ▪ Whether it would be detrimental to the child to require equal parenting time or equal decision-making rights and responsibilities when the parents do not agree on the terms of a temporary order; ▪ When a court has not issued a shared parenting or parental rights and responsibilities order where both parents are the residential parent and legal custodian of the child, whether it would be detrimental to the child to permit the parent who is not the residential parent to have parenting time with the child; ▪ When a temporary order issued as a result of a parent's active military service is terminated, whether a parent has demonstrated that resuming the prior order would be detrimental to the child. <p><i>(R.C. 3109.0410, 3109.0412(A), 3109.0420, 3109.0424, 3109.0425, 3109.0436(B)(1) and (2), 3109.0451, and 3109.0476(C).)</i></p>	

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Requirements for shared parenting agreements v. orders allocating parental rights and responsibilities	
<p>Requires a <i>shared parenting agreement</i> to include provisions covering all factors that are relevant to the care of the children, including, but not limited to, provisions covering factors such as physical living arrangements, child support obligations, provision for the children’s medical and dental care, school placement, and the parent with which the children will be physically located during legal holidays, school holidays, and other days of special importance.</p> <p>(R.C. 3109.047.)</p>	<p>Requires every shared parenting order and parental rights and responsibilities order, to include all of the following:</p> <ul style="list-style-type: none"> ▪ Provisions regarding each child’s needs that are consistent with the child’s age, developmental stage, and maturation; ▪ The designation of a parent for the following purposes: <ul style="list-style-type: none"> ▫ Paying and receiving child support, health care coverage, and cash medical support in accordance with child support laws; ▫ Determining the school district of attendance; ▫ Claiming the child as a dependent for income tax purposes; ▫ For any other purpose requiring designation of one parent, including public assistance, international treaty enforcement, or state or federal law. ▪ The parenting time schedule for weekdays, weekends, holidays, days that hold special meaning to the child or parents, vacations, and other relevant times; ▪ The frequency, time, and method of the child’s communication with a parent during the parenting time; ▪ The allocation of decision-making and other responsibilities related to the welfare of the child, including education, child care, health care, and school and extra-curricular activities; ▪ The procedure for parenting time, including the meeting location and the person responsible for transportation;

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	<ul style="list-style-type: none"> ▪ The frequency and method for the parents to communicate with each other about the child; ▪ The process of information sharing and right to access the child's school records, health records, records of the childcare facilities, and school and extra-curricular activities; ▪ Any geographical restriction on relocation of the child and notification procedure prior to the relocation of the child pursuant to the bill's relocation provisions; ▪ Each parent's responsibility for the child's financial support, consistent with existing child support laws; ▪ Procedures for the parents to resolve disputes through nonadversarial dispute resolution processes; ▪ Each parent's responsibility to provide written notification to the other parent and the court of a change of contact information, including street address, mailing address, email address, or telephone number in compliance with the bill's relocation provisions; ▪ Any other provisions required by statute or the court. <p><i>(R.C. 3109.046.)</i></p>
Filing a shared parenting agreement	
No provision.	<p>Requires a shared parenting agreement to contain provisions that address all the requirements for shared parenting orders (immediately above) and be filed no later than 30 days before a hearing to determine the allocation of parenting responsibilities, except that the court may waive the deadline for good cause shown <i>(R.C. 3109.048).</i></p>

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Providing information for a parental rights and responsibilities order	
No provision.	<p>Requires each parent to submit the following information, no later than 30 days before a hearing, except for good cause shown, when they have not entered into a shared parenting agreement:</p> <ul style="list-style-type: none"> ▪ The parent’s work schedule; ▪ Living arrangements of the parent and the child; ▪ Factors for rebutting a presumption of equal parenting time or decision-making rights and responsibilities; ▪ Any other circumstances that are relevant to determining the allocation of parental rights and responsibilities and an appropriate parenting time schedule to maximize the child’s time with each parent. <p><i>(R.C. 3109.0419.)</i></p>
Rebutting presumptions on care and decision making	
No provision.	<p>Adds the factor of whether a parent is totally incapable of providing support or caring for a child to the list of factors to consider when determining whether the presumption is rebutted that the following are in the best interest of the child:</p> <ul style="list-style-type: none"> ▪ A shared parenting agreement that both parents agree upon; ▪ Equal parenting time when the parents have not entered into a shared parenting agreement; ▪ Equal decision-making rights and responsibilities when the parents have not entered into a shared parenting agreement. <p><i>(R.C. 3109.0411(D), 3109.0421(E), and 3109.0422(J).)</i></p>

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“Friendly parent” factors – consideration	
No provision.	<p>Requires a court to consider whether a parent has intentionally done any of the following, after determining that a presumption of equal decision-making rights and responsibilities or equal parenting time under a parental rights and responsibilities order has been rebutted:</p> <ul style="list-style-type: none"> ▪ Misled the court to cause an unnecessary delay, increase the cost of litigation, or persuade the court to give that parent a preference regarding the presumption that has been rebutted; ▪ Made false allegations against the other parent of harm to the child; ▪ Communicated false information to law enforcement, a public children services agency, or the court in order to gain a tactical advantage in a proceeding to determine the allocation of parental rights and responsibilities. <p><i>(R.C. 3109.0423.)</i></p>
“Friendly parent” factors – allocation of rights	
No provision.	<p>Requires the court to allocate most of the decision-making rights and responsibilities or parenting time, for whichever presumption has been rebutted, to the most cooperative parent who has not been determined to have done any of the above actions <i>(R.C. 3109.0424(A)(2)(b) and 3109.0425(A)(2)(b)).</i></p>

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Relocation – occurs when there is a change of address	
No provision.	Provides that a relocation of a parent’s or child’s residence occurs when there is a change of address (<i>R.C. 3109.0470</i>).
Relocation – applicability	
Provides that the relocation notice provisions apply to a <i>residential</i> parent (<i>R.C. 3109.0460</i>).	Provides that the relocation notice provisions apply to <i>any</i> relocating parent (<i>R.C. 3109.0470 to 3109.0479</i>).
Relocation – filing of notice of intent to relocate	
Requires a relocating parent who intends to move to a residence other than the residence specified in the parenting time order of the court to file a notice of intent to relocate with the court that issued the order (<i>R.C. 3109.0460(A)</i>).	Requires a relocating parent to file a notice of intent to relocate with the clerk of the court where the shared parenting order or parental rights and responsibilities order was issued (<i>R.C. 3109.0471(A)</i>).
Relocation – deadline to file notice of intent to relocate	
No provision.	Requires a notice of intent to relocate to be filed not later than 60 days before the intended relocation or not later than 10 days after the parent knew of the intended relocation, if the 60-day requirement cannot be met, absent exigent circumstances (<i>R.C. 3109.0472</i>).
Relocation – sending copy of notice	
Requires the court to send a copy of the notice to the parent who is not the residential parent (<i>R.C. 3109.0460(A)</i>).	Requires the clerk of the court to send a copy of the notice of intent to relocate to the last known address of the nonrelocating parent (<i>R.C. 3109.0471(B)</i>).

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Relocation – notice requirements	
No provision.	<p>Requires a notice of intent to relocate to include:</p> <ul style="list-style-type: none"> ▪ Updated residential address; ▪ Updated mailing address; ▪ Updated telephone number; ▪ Updated email address; ▪ Date of relocation; ▪ Notice to the nonrelocating parent that any objection to the relocation must be filed not later than 30 days after receipt of the notice of intent to relocate. <p>(R.C. 3109.0473.)</p>
Relocation – hearing to determine revision of parenting time	
Allows the court, on its own motion, and requires the court, on the motion of the nonresidential parent, to schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child (R.C. 3109.0460(A)).	No provision.
Relocation – determination of disclosure	
<p>Requires the court to do the following when it issues a parenting time order to a parent who is not the residential <i>parent</i>:</p> <ul style="list-style-type: none"> ▪ Determine whether a parent has been convicted of or pleaded guilty to domestic violence or an offense against a 	<p>Allows the court to do any of the following, upon finding that the health, safety, and welfare or liberty of a person, including a child, would be put at risk by the relocating parent filing a notice:</p> <ul style="list-style-type: none"> ▪ Order that the intent to relocate not be disclosed;

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<p>family or household member or perpetrated an abusive act causing a child to be an abused child;</p> <ul style="list-style-type: none"> ▪ Issue, upon finding the first bullet in the negative, an order stating that a copy of any notice of relocation will be sent to the parent who is given parenting time rights; ▪ Issue, upon finding the first bullet in the positive, an order stating that the parent will not be given a copy of any notice of relocation, unless the court determines that it is in the best interest of the child to do so. <p><i>(R.C. 3109.0460(B).)</i></p>	<ul style="list-style-type: none"> ▪ Waive the notice requirement to the extent necessary to protect the confidentiality and the health, safety, and welfare of the child or parent; ▪ Consider any other remedy deemed necessary to facilitate the legitimate needs of the parties and protect the best interest of the child; ▪ If appropriate, conduct an ex parte hearing, with a full hearing with notice to the parents if an ex parte order is issued. <p><i>(R.C. 3109.0474.)</i></p>
Relocation – motion to prevent disclosure	
<p>Allows, a residential parent to file a motion with the court requesting that the nonresidential parent not receive a copy of any relocation notice if:</p> <ul style="list-style-type: none"> ▪ A nonresidential parent who is granted parenting time rights is allowed to receive a copy of a notice of relocation; and ▪ The residential parent intends to move and does not want the nonresidential parent to receive a copy of the relocation notice because the parent has been convicted of or pleaded guilty to domestic violence or an offense against a family or household member or perpetrated an abusive act causing a child to be an abused child. <p><i>(R.C. 3109.0460(C).)</i></p>	<p>Allows the relocating parent to file a motion for the court to make a determination, as described above <i>(R.C. 3109.0474)</i>.</p>

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Relocation – hearing motion to prevent disclosure	
<p>Requires the court to schedule a hearing upon receipt of a motion to prevent disclosure, and to give both parents notice of the date, time, and location of the hearing.</p> <p><i>(R.C. 3109.0460(C).)</i></p>	<p>No provision.</p>
Relocation – determination on motion to prevent disclosure	
<p>Requires the court to issue an order stating that the nonresidential parent will not receive a copy of a notice to relocate if it determines that the parent has been convicted of or pleaded guilty to domestic violence or an offense against a family or household member or perpetrated an abusive act causing a child to be an abused child, unless it determines that it is in the best interest of the child to do so.</p> <p><i>(R.C. 3109.0460(C).)</i></p>	<p>No provision.</p>
Relocation – failure to file notice of intent to relocate	
<p>No provision.</p>	<p>Allows the court, if a parent fails without good cause to file a notice of intent to relocate, to consider the failure as follows:</p> <ul style="list-style-type: none"> ▪ As a factor in making its determination regarding the relocation; ▪ As a factor in determining a modification of a shared parenting order or a parental rights and responsibilities order; ▪ As a basis for ordering the return of the child if the relocation has taken place without notice;

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	<ul style="list-style-type: none"> ▪ As a basis for awarding attorney fees and expenses; ▪ As a factor in a finding of contempt. <p><i>(R.C. 3109.0475.)</i></p>
Relocation – objection to relocation	
No provision.	Allows a nonrelocating parent to file a motion objecting to the relocation and seek an order restricting the relocation when it would render any portion of a shared parenting order or parental rights and responsibilities order impracticable or detrimental to the child <i>(R.C. 3109.0476)</i> .
Relocation – deadline to file objection	
No provision.	Requires a motion objecting to relocation to be filed not later than 30 days after the receipt of the notice of intent to relocate <i>(R.C. 3109.0477)</i> .
Relocation – hearing for objection to relocation	
No provision.	Requires a court to conduct a hearing if a motion objecting to relocation is filed and requires all matters relating to the relocation to be given priority scheduling <i>(R.C. 3109.0478)</i> .
Relocation – factors for court consideration on proposed relocation	
No provision.	Requires the court to determine all of the following when reaching a decision on a proposed relocation: <ul style="list-style-type: none"> ▪ Whether the relocation is detrimental to the child based on the factors for rebutting a presumption regarding a shared parenting agreement, equal decision-making rights and

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	<p>responsibilities or equal parenting time under a parental rights and responsibilities order, or a parenting time order;</p> <ul style="list-style-type: none"> ▪ The reason presented for seeking or opposing the relocation; ▪ The realistic ability to preserve the relationship between the child and the nonrelocating parent through any proposed new arrangements that consider the logistics and costs of contact, access, and parenting time; ▪ The effect the relocation will have on the child’s relationship with extended family; ▪ The enhancement of the quality of life for the child and the relocating parent that the relocation may afford; ▪ Whether a presumption has previously been rebutted regarding a shared parenting agreement, equal decision-making rights and responsibilities and equal parenting time under a parental rights and responsibilities order, or a parenting time order; ▪ The child’s stability; ▪ Any other factor the court determines relevant. <p><i>(R.C. 3109.0479.)</i></p>
<p>False accusation of abuse or neglect – allow monetary sanction</p>	
<p>No provision.</p>	<p>Allows a court to impose a reasonable monetary sanction against a person that the court has determined to have intentionally made a false accusation of child abuse or neglect against a parent in a proceeding to allocate parental rights and responsibilities <i>(R.C. 3109.0481(A))</i>.</p>

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False accusation of abuse or neglect – definition of “person”	
No provision.	Defines “person” for purposes of the above as a party, a party’s attorney, or witness (<i>R.C. 3109.0481(D)</i>).
False accusation of abuse or neglect – allow community service instead of monetary sanction	
No provision.	Allows a court to order a parent who made a false accusation to perform an appropriate amount of community service instead of imposing a monetary sanction if the court determines that a monetary sanction would negatively impact the well-being of the child (<i>R.C. 3109.0481(B)</i>).
False accusation of abuse or neglect – ordering makeup parenting time	
No provision.	Requires a court to order reasonable makeup parenting time if a false accusation results in the accused parent being denied parenting time (<i>R.C. 3109.0481(C)</i>).
Parenting time/companionship or visitation: interference v. parenting time interference – applicability	
Provides that the interference provisions apply to any person found in contempt of court for failing to comply with or interfering with any order granting parenting time rights to a non-residential parent or companionship or visitation rights (<i>R.C. 3109.0467</i>).	Provides that the interference provisions apply to any interference with a parent’s parenting time rights under a shared parenting order or parental rights and responsibilities order (<i>R.C. 3109.0491 to 3109.0494</i>).
Parenting time/companionship or visitation: interference v. parenting time interference – hearing	
No provision.	Requires a court to hold a hearing on a motion alleging interference with parenting time no later than 28 days after the filing of the

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	motion and supporting affidavit, unless the hearing should be conducted earlier for good cause shown (<i>R.C. 3109.0491</i>).
Parenting time/companionship or visitation: interference v. parenting time interference – temporary orders	
No provision.	Allows the court to issue a temporary order necessary to protect the relationship between the parent and child any time before ruling on an interference motion (<i>R.C. 3109.0492</i>).
Parenting time/companionship or visitation: interference v. parenting time interference – required remedies	
<p>Requires the court to do the following when it finds that a person is found in contempt of court for noncompliance or interference with a parenting time or companionship or visitation order:</p> <ul style="list-style-type: none"> ▪ 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 contempt action; ▪ Award reasonable compensatory parenting time or visitation to the person whose right of parenting time or visitation was affected by the failure or interference, if it is not detrimental to the child; ▪ Impose any other penalty or remedy as required. <p>(<i>R.C. 3109.0467</i>.)</p>	<p>Requires the court to do both of the following, after a hearing and a finding that there was unreasonable interference with parenting time:</p> <ul style="list-style-type: none"> ▪ An award of compensatory parenting time, provided that compensatory parenting time is not detrimental to the child; ▪ An award of any reasonable attorney’s fees and court costs arising in relation to the act of interference with parenting time. <p>(<i>R.C. 3109.0493</i>.)</p>
Parenting time/companionship or visitation interference v. parenting time interference – terms for compensatory parenting time	
Requires compensatory parenting time or visitation to be included in an order issued by the court and, to the extent possible, governed by	No provision.

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the same terms and conditions as the parenting time or companionship or visitation that was affected by the failure or interference (R.C. 3109.0467).	
Parenting time/companionship or visitation interference v. parenting time interference – optional remedies	
No provision.	<p>Allows the court to issue any of the following, after a hearing and a finding that there was unreasonable interference with parenting time:</p> <ul style="list-style-type: none"> ▪ On the court’s own motion or upon motion by one or both parents, a modified shared parenting order or parental rights and responsibilities order to prevent future interference with parenting time in the best interest of a child; ▪ An order for supervised parenting time or exchanges; ▪ An order to require parents or the child to attend counseling, education, or coaching; ▪ An order to post bond, either in cash or with sufficient sureties, conditioned upon compliance with the parenting time provisions in the shared parenting order or parental rights and responsibilities order; ▪ An award of reasonable costs and fees for mediation, counseling, parent and child education, and supervised parenting time or exchange; ▪ Any other remedy that the court considers appropriate. <p>(R.C. 3109.0494.)</p>

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Parenting time/companionship or visitation: interference v. parenting time interference – supervision	
No provision.	Implies that if the court orders supervised parenting time due to unreasonable interference with parenting time, the court may require the public children services agency to provide the supervision and other services (<i>R.C. 3109.0451 and 3109.0494(B)</i>).