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# OHIO LEGISLATIVE SERVICE COMMISSION

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134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Pavliga

Aida S. Montano, Research Analyst

### SUMMARY

- Generally expands the jurisdiction of the Division of Domestic Relations of the Portage County Court of Common Pleas to include, among others, proceedings involving parentage, child support, allocation of parental rights and responsibilities, and relief from paternity determinations.
- Excludes from the jurisdiction of a juvenile court, including the Juvenile Division of the Portage County Court of Common Pleas, certain proceedings that are included in the expanded jurisdiction of the Court's Division of Domestic Relations.

### DETAILED ANALYSIS

#### Portage County Court of Common Pleas, Division of Domestic Relations

##### Expanded jurisdiction

Current law provides that the judge of the Portage County Court of Common Pleas, Division of Domestic Relations, must be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that for some special reason are assigned to some other judge of that court of common pleas.<sup>1</sup> The bill provides that the judge is also assigned all post-decree proceedings and matters arising from those cases.<sup>2</sup>

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<sup>1</sup> R.C. 2301.03(P).

<sup>2</sup> R.C. 2301.03(P).

The bill expands current law by requiring that the judge of the Domestic Relations Division be assigned the following:<sup>3</sup>

- All cases arising under the Paternity and Parentage Law;
- 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;
- All proceedings arising under the Uniform Interstate Family Support Act;
- All proceedings arising from a motion for relief from a paternity determination or support order;
- All proceedings arising under the Uniform Child Custody Jurisdiction and Enforcement Act; and
- All post-decree proceedings and matters arising from the above cases and proceedings.

The bill excludes from the above cases and proceedings assigned to the judge of the Domestic Relations Division, cases that for some special reason are assigned to some other judge of the court of common pleas.<sup>4</sup>

### **Duties of Domestic Relations Division personnel**

Current law provides that in addition to the statutory duties of the personnel of the Domestic Relations Division, their duties include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, and providing counseling and conciliation services that the Division makes available to persons, whether or not they are parties to an action pending in the Division, who request the services.<sup>5</sup>

The bill expands the duties of the Domestic Relations Division personnel to include the handling, servicing, and investigation of cases and proceedings described in the dot points above under “**Expanded jurisdiction,**” and providing counseling and conciliation services that the Division makes available to persons, whether or not they are parties to an action pending in the Division, who request the services.<sup>6</sup>

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<sup>3</sup> R.C. 2301.03(P) and by reference to R.C. Chapters 3111, 3115, and 3127, and R.C. 3119.96 to 3119.967, not in the bill.

<sup>4</sup> R.C. 2301.03(P).

<sup>5</sup> R.C. 2301.03(P).

<sup>6</sup> R.C. 2301.03(P) and by reference to R.C. Chapters 3111, 3115, and 3127, and R.C. 3119.96 to 3119.967, not in the bill.

## Exclusion from juvenile court jurisdiction

Under current law, the juvenile court has original jurisdiction as follows:<sup>7</sup>

- To determine the paternity of a child born out of wedlock under the Paternity and Parentage Law;
- Under the Uniform Interstate Family Support Act;
- To hear and determine applications for the support of a child not a ward of another court;
- To rescind an acknowledgment of paternity;
- In motions for relief from a paternity determination or support order;
- Regarding a power of attorney granted to a residential grandparent for the care and custody of a child, or a caretaker authorization affidavit;
- To enforce an order for the return of a child under the Hague Convention pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act;
- To grant any relief to enforce a child custody determination made by another state's court and registered in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act.

Currently, under the above provision, the Juvenile Division of the Portage County Court of Common Pleas has original jurisdiction over the above proceedings. The bill excludes those proceedings from the Juvenile Division's original jurisdiction, as they would come under the expanded jurisdiction of the Division of Domestic Relations.<sup>8</sup>

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## HISTORY

Action	Date
Introduced	05-11-22

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<sup>7</sup> R.C. 2151.23(B)(2) to (9).

<sup>8</sup> R.C. 2151.23(B).