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Substitute Bill Comparative Synopsis

Sub. H.B. 14

135th General Assembly

House Families & Aging

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This table summarizes how the substitute version of the bill differs from the As Re-referred by House Rules and Reference 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 Re-referred by House Rules and Reference)	Latest Version (I_135_1898)
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 the standard from “clear and convincing” to “a preponderance of the evidence” (<i>R.C. 3109.0410, 3109.0412(A), 3109.0420, 3109.0423, 3109.0424, 3109.0425, 3109.0436(B), 3109.0440(B), 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; ▪ Whether a court should terminate a shared parenting order when one parent demonstrates a pattern of willfully creating conflict to disrupt a shared parenting agreement, if the court determines that it is unable to enter a shared parenting order that reduces areas of conflict caused by the disruptive parent and the disruptive behavior is a material change in circumstances; ▪ When a court has not issued a shared parenting or parental rights and responsibilities order under which 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, 3109.0423, 3109.0424,</i></p>	

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3109.0425, 3109.0436(B), 3109.0440(B), 3109.0451, and 3109.0483(C.)	
Equal parenting time and decision-making rights and responsibilities	
Specifies throughout the bill “equal parenting time” and “equal decision-making rights and responsibilities” regarding the policy of the state, parental rights and responsibilities orders, temporary orders, and parenting time orders (R.C. 3109.0440, 3109.0420, 3109.0421, 3109.0422, 3109.0424, 3109.0425, 3109.0426, 3109.0436(B), 3109.0467(D), and 3109.12(B)(1)).	Refers instead to “ <i>substantially equal</i> ” parenting time and decision-making rights and responsibilities throughout the bill (R.C. 3109.0440, 3109.0420, 3109.0421, 3109.0422, 3109.0424, 3109.0425, 3109.0426, 3109.0436(B), 3109.0467(D), and 3109.12(B)(1)).
Exception to equal parenting time in temporary orders for nursing mothers	
No provision.	Creates a reasonable exception to the requirement of substantially equal parenting time under a temporary order if the child is 12 months of age or younger and the mother is nursing the child. Specifies that under this circumstance, a parent does not need to object and prove, and a court does not need to find, that substantially equal parenting time would be detrimental to the child in order for the court to allocate the majority of the parenting time to the mother. (R.C. 3109.0436(B)(2)(a) to (b).)
Clarification of court determination	
Requires that when the parents have not entered into a shared parenting agreement, each parent must provide to the court, among other information, “[a]ny 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” (R.C. 3109.0419(A)(4)).	Same, but limits the “other circumstances” to those “as determined by the court” (R.C. 3109.0419(A)(4)).

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Requires the court, in determining whether to grant parenting time or companionship or visitation rights, establishing a specific parenting time or visitation schedule, and determining other parenting time or visitation matters, to consider all factors established in the bill, including “[a]ny other factor in the best interest of the child.” (R.C. 3109.0453(P)).	Same, but limits the “other circumstances” to those “as determined by the court” (R.C. 3109.0453(P)).
Court inquiry to parents before determining whether a presumption is rebutted	
No provision.	Requires a court, before determining whether a presumption of substantially equal decision-making rights and responsibilities or substantially equal parenting time is rebutted, to ask each parent whether that parent is requesting substantially equal decision-making rights and responsibilities or substantially equal parenting time, respectively. (R.C. 3109.0420.)
Court factors for determining whether a presumption is rebutted	
No provision.	Adds as a factor for a court to consider, when determining whether a presumption of substantially equal decision-making rights and responsibilities or substantially equal parenting time has been rebutted, the response of each parent to the court’s inquiry about whether the parent is requesting substantially equal decision-making rights and responsibilities or substantially equal parenting time, respectively. (R.C. 3109.0421(F) and 3109.0422(K).)

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Court inquiry to parents before determining whether parenting time for a nonresidential parent would be detrimental	
No provision.	Requires a court, before determining whether it would be detrimental to permit a parent who is not the residential parent and legal custodian of a child under a parental rights and responsibilities order to have parenting time with the child, to ask each parent whether that parent is requesting substantially equal parenting time. <i>(R.C. 3109.0451.)</i>
Court inquiry to parents before allocating parenting time when child is born to an unmarried woman	
No provision.	Prohibits a court, when the child is born to an unmarried woman, from allocating unequal parenting time unless it inquires of each parent whether that parent is requesting substantially equal parenting time. <i>(R.C. 3109.12(B)(1).)</i>
Court factor for determining parenting time issues	
No provision.	Adds the response of each parent to a court's inquiry about whether the parent is requesting substantially equal parenting time as a factor for the court to consider when doing any of the following regarding a nonresidential parent or when a child is born to an unmarried mother: <ul style="list-style-type: none"> ▪ Determining whether to grant parenting time; ▪ Establishing a parenting time schedule; ▪ Determining other parenting time matters. <i>(R.C. 3109.0453(P).)</i>