

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 448**

**Representatives LaTourette, Boyd**

**Cosponsors: Representatives Boggs, Howse, Reineke, Rezabek, Smith, K., West**

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**A BILL**

To amend sections 2151.411, 3107.15, 3109.051, 1  
3109.11, and 3113.31 and to enact sections 2  
3109.18, 3109.181, 3109.182, 3109.183, and 3  
3109.90 of the Revised Code to create sibling 4  
visitation rights, to make changes to the law 5  
regarding sibling placement by a court or agency 6  
and sibling relationships when parental rights 7  
are terminated, and to extend the sibling 8  
relationship beyond adoption. 9

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

**Section 1.** That sections 2151.411, 3107.15, 3109.051, 10  
3109.11, and 3113.31 be amended and sections 3109.18, 3109.181, 11  
3109.182, 3109.183, and 3109.90 of the Revised Code be enacted 12  
to read as follows: 13

**Sec. 2151.411.** (A) As used in this section, "sibling" 14  
means a person that shares at least one biological or adoptive 15  
parent or has been raised in the household as a sibling. 16

(B) Whenever a child comes into the custody of the 17  
juvenile court, a public children services agency, or a private 18

child placing agency, either as part of a sibling group or 19  
subsequent to the previous placement of a sibling, the court or 20  
agency ~~is strongly encouraged to~~ shall make reasonable efforts 21  
to place the siblings together, unless it would be contrary to 22  
the siblings' best interest or well-being. If siblings are not 23  
placed together, the court or agency ~~should~~ shall make 24  
reasonable efforts to ensure the siblings maintain frequent 25  
connections through visitation or other ongoing interaction, 26  
unless contrary to the siblings' placement or well-being. 27

(C) A sibling may file a motion with the juvenile court to 28  
enforce division (B) of this section. 29

**Sec. 3107.15.** (A) A final decree of adoption and an 30  
interlocutory order of adoption that has become final as issued 31  
by a court of this state, or a decree issued by a jurisdiction 32  
outside this state as recognized pursuant to section 3107.18 of 33  
the Revised Code, shall have the following effects as to all 34  
matters within the jurisdiction or before a court of this state, 35  
whether issued before or after May 30, 1996: 36

(1) Except with respect to a spouse of the petitioner~~and~~ 37  
, relatives of the spouse, and siblings of the adopted person, 38  
to relieve the biological or other legal parents of the adopted 39  
person of all parental rights and responsibilities, and to 40  
terminate all legal relationships between the adopted person and 41  
the adopted person's relatives, including the adopted person's 42  
biological or other legal parents, so that the adopted person 43  
thereafter is a stranger to the adopted person's former 44  
relatives for all purposes including inheritance and the 45  
interpretation or construction of documents, statutes, and 46  
instruments, whether executed before or after the adoption is 47  
decreed, which do not expressly include the person by name or by 48

some designation not based on a parent and child or blood relationship; 49  
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(2) To create the relationship of parent and child between petitioner and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, and whether executed or created before or after May 30, 1996, which do not expressly exclude an adopted person from their operation or effect; 51  
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(3) Notwithstanding division (A) (2) of this section, a person who is eighteen years of age or older at the time the person is adopted, and the adopted person's lineal descendants, are not included as recipients of gifts, devises, bequests, or other transfers of property, including transfers in trust made to a class of persons including, but not limited to, children, grandchildren, heirs, issue, lineal descendants, and next of kin, for purposes of inheritance and applicability of statutes, documents, and instruments, whether executed or created before or after May 30, 1996, unless the document or instrument expressly includes the adopted person by name or expressly states that it includes a person who is eighteen years of age or older at the time the person is adopted. 59  
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(B) Notwithstanding division (A) of this section, if a parent of a child dies without the relationship of parent and child having been previously terminated and a spouse of the living parent thereafter adopts the child, the child's rights from or through the deceased parent for all purposes, including inheritance and applicability or construction of documents, statutes, and instruments, are not restricted or curtailed by 72  
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the adoption. 79

(C) Notwithstanding division (A) of this section, if the 80  
relationship of parent and child has not been terminated between 81  
a parent and that parent's child and a spouse of the other 82  
parent of the child adopts the child, a grandparent's or 83  
relative's right to companionship or visitation pursuant to 84  
section 3109.11 of the Revised Code is not restricted or 85  
curtailed by the adoption. 86

(D) Notwithstanding division (A) of this section, a 87  
sibling's right to visitation pursuant to sections 3109.18 to 88  
3109.183 of the Revised Code is not restricted or curtailed by 89  
the child's adoption. 90

(E) An interlocutory order of adoption, while it is in 91  
force, has the same legal effect as a final decree of adoption. 92  
If an interlocutory order of adoption is vacated, it shall be as 93  
though void from its issuance, and the rights, liabilities, and 94  
status of all affected persons that have not become vested are 95  
governed accordingly. 96

(F) As used in this section, "sibling" has the same 97  
meaning as in section 2151.411 of the Revised Code. 98

**Sec. 3109.051.** (A) If a divorce, dissolution, legal 99  
separation, or annulment proceeding involves a child and if the 100  
court has not issued a shared parenting decree, the court shall 101  
consider any mediation report filed pursuant to section 3109.052 102  
of the Revised Code and, in accordance with division (C) of this 103  
section, shall make a just and reasonable order or decree 104  
permitting each parent who is not the residential parent to have 105  
parenting time with the child at the time and under the 106  
conditions that the court directs, unless the court determines 107

that it would not be in the best interest of the child to permit 108  
that parent to have parenting time with the child and includes 109  
in the journal its findings of fact and conclusions of law. 110  
Whenever possible, the order or decree permitting the parenting 111  
time shall ensure the opportunity for both parents to have 112  
frequent and continuing contact with the child, unless frequent 113  
and continuing contact by either parent with the child would not 114  
be in the best interest of the child. The court shall include in 115  
its final decree a specific schedule of parenting time for that 116  
parent. Except as provided in division (E) (6) of section 3113.31 117  
of the Revised Code, if the court, pursuant to this section, 118  
grants parenting time to a parent or companionship or visitation 119  
rights to any other person with respect to any child, it shall 120  
not require the public children services agency to provide 121  
supervision of or other services related to that parent's 122  
exercise of parenting time or that person's exercise of 123  
companionship or visitation rights with respect to the child. 124  
This section does not limit the power of a juvenile court 125  
pursuant to Chapter 2151. of the Revised Code to issue orders 126  
with respect to children who are alleged to be abused, 127  
neglected, or dependent children or to make dispositions of 128  
children who are adjudicated abused, neglected, or dependent 129  
children or of a common pleas court to issue orders pursuant to 130  
section 3113.31 of the Revised Code. 131

(B) (1) In a divorce, dissolution of marriage, legal 132  
separation, annulment, or child support proceeding that involves 133  
a child, the court may grant reasonable companionship or 134  
visitation rights to any grandparent, any person related to the 135  
child by consanguinity or affinity, or any other person other 136  
than a parent, if all of the following apply: 137

(a) The grandparent, relative, or other person files a 138

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| motion with the court seeking companionship or visitation                          | 139 |
| rights.  | 140 |
| (b) The court determines that the grandparent, relative,                           | 141 |
| or other person has an interest in the welfare of the child.                       | 142 |
| (c) The court determines that the granting of the                                  | 143 |
| companionship or visitation rights is in the best interest of                      | 144 |
| the child.   | 145 |
| (2) A motion may be filed under division (B)(1) of this                            | 146 |
| section during the pendency of the divorce, dissolution of                         | 147 |
| marriage, legal separation, annulment, or child support                            | 148 |
| proceeding or, if a motion was not filed at that time or was                       | 149 |
| filed at that time and the circumstances in the case have                          | 150 |
| changed, at any time after a decree or final order is issued in                    | 151 |
| the case.  | 152 |
| (C) When determining whether to grant parenting time                               | 153 |
| rights to a parent pursuant to this section or section 3109.12                     | 154 |
| of the Revised Code or to grant companionship or visitation                        | 155 |
| rights to a grandparent, relative, or other person pursuant to                     | 156 |
| this section or section 3109.11 <del> or, </del> <u>3109.12, or 3109.18 to</u>     | 157 |
| <u>3109.183</u> of the Revised Code, when establishing a specific                  | 158 |
| parenting time or visitation schedule, and when determining                        | 159 |
| other parenting time matters under this section or section                         | 160 |
| 3109.12 of the Revised Code or visitation matters under this                       | 161 |
| section or section 3109.11 <del> or, </del> <u>3109.12, or 3109.18 to 3109.183</u> | 162 |
| of the Revised Code, the court shall consider any mediation                        | 163 |
| report that is filed pursuant to section 3109.052 of the Revised                   | 164 |
| Code and shall consider all other relevant factors, including,                     | 165 |
| but not limited to, all of the factors listed in division (D) of                   | 166 |
| this section. In considering the factors listed in division (D)                    | 167 |
| of this section for purposes of determining whether to grant                       | 168 |

parenting time or visitation rights, establishing a specific 169  
parenting time or visitation schedule, determining other 170  
parenting time matters under this section or section 3109.12 of 171  
the Revised Code or visitation matters under this section or 172  
under section 3109.11 ~~or~~ , 3109.12, or 3109.18 to 3109.183 of 173  
the Revised Code, and resolving any issues related to the making 174  
of any determination with respect to parenting time or 175  
visitation rights or the establishment of any specific parenting 176  
time or visitation schedule, the court, in its discretion, may 177  
interview in chambers any or all involved children regarding 178  
their wishes and concerns. If the court interviews any child 179  
concerning the child's wishes and concerns regarding those 180  
parenting time or visitation matters, the interview shall be 181  
conducted in chambers, and no person other than the child, the 182  
child's attorney, the judge, any necessary court personnel, and, 183  
in the judge's discretion, the attorney of each parent shall be 184  
permitted to be present in the chambers during the interview. No 185  
person shall obtain or attempt to obtain from a child a written 186  
or recorded statement or affidavit setting forth the wishes and 187  
concerns of the child regarding those parenting time or 188  
visitation matters. A court, in considering the factors listed 189  
in division (D) of this section for purposes of determining 190  
whether to grant any parenting time or visitation rights, 191  
establishing a parenting time or visitation schedule, 192  
determining other parenting time matters under this section or 193  
section 3109.12 of the Revised Code or visitation matters under 194  
this section or under section 3109.11 ~~or~~ , 3109.12, or 3109.18 195  
to 3109.183 of the Revised Code, or resolving any issues related 196  
to the making of any determination with respect to parenting 197  
time or visitation rights or the establishment of any specific 198  
parenting time or visitation schedule, shall not accept or 199  
consider a written or recorded statement or affidavit that 200

purports to set forth the child's wishes or concerns regarding 201  
those parenting time or visitation matters. 202

(D) In determining whether to grant parenting time to a 203  
parent pursuant to this section or section 3109.12 of the 204  
Revised Code or companionship or visitation rights to a 205  
grandparent, relative, or other person pursuant to this section 206  
or section 3109.11 or 3109.12 of the Revised Code, in 207  
establishing a specific parenting time or visitation schedule, 208  
and in determining other parenting time matters under this 209  
section or section 3109.12 of the Revised Code or visitation 210  
matters under this section or section 3109.11 or 3109.12 of the 211  
Revised Code, the court shall consider all of the following 212  
factors: 213

(1) The prior interaction and interrelationships of the 214  
child with the child's parents, siblings, and other persons 215  
related by consanguinity or affinity, and with the person who 216  
requested companionship or visitation if that person is not a 217  
parent, sibling, or relative of the child; 218

(2) The geographical location of the residence of each 219  
parent and the distance between those residences, and if the 220  
person is not a parent, the geographical location of that 221  
person's residence and the distance between that person's 222  
residence and the child's residence; 223

(3) The child's and parents' available time, including, 224  
but not limited to, each parent's employment schedule, the 225  
child's school schedule, and the child's and the parents' 226  
holiday and vacation schedule; 227

(4) The age of the child; 228

(5) The child's adjustment to home, school, and community; 229

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| (6) If the court has interviewed the child in chambers,          | 230 |
| pursuant to division (C) of this section, regarding the wishes   | 231 |
| and concerns of the child as to parenting time by the parent who | 232 |
| is not the residential parent or companionship or visitation by  | 233 |
| the grandparent, relative, or other person who requested         | 234 |
| companionship or visitation, as to a specific parenting time or  | 235 |
| visitation schedule, or as to other parenting time or visitation | 236 |
| matters, the wishes and concerns of the child, as expressed to   | 237 |
| the court;   | 238 |
| (7) The health and safety of the child;                          | 239 |
| (8) The amount of time that will be available for the            | 240 |
| child to spend with siblings;                                    | 241 |
| (9) The mental and physical health of all parties;               | 242 |
| (10) Each parent's willingness to reschedule missed              | 243 |
| parenting time and to facilitate the other parent's parenting    | 244 |
| time rights, and with respect to a person who requested          | 245 |
| companionship or visitation, the willingness of that person to   | 246 |
| reschedule missed visitation;                                    | 247 |
| (11) In relation to parenting time, whether either parent        | 248 |
| previously has been convicted of or pleaded guilty to any        | 249 |
| criminal offense involving any act that resulted in a child      | 250 |
| being an abused child or a neglected child; whether either       | 251 |
| parent, in a case in which a child has been adjudicated an       | 252 |
| abused child or a neglected child, previously has been           | 253 |
| determined to be the perpetrator of the abusive or neglectful    | 254 |
| act that is the basis of the adjudication; and whether there is  | 255 |
| reason to believe that either parent has acted in a manner       | 256 |
| resulting in a child being an abused child or a neglected child; | 257 |
| (12) In relation to requested companionship or visitation        | 258 |

by a person other than a parent, whether the person previously 259  
has been convicted of or pleaded guilty to any criminal offense 260  
involving any act that resulted in a child being an abused child 261  
or a neglected child; whether the person, in a case in which a 262  
child has been adjudicated an abused child or a neglected child, 263  
previously has been determined to be the perpetrator of the 264  
abusive or neglectful act that is the basis of the adjudication; 265  
whether either parent previously has been convicted of or 266  
pleaded guilty to a violation of section 2919.25 of the Revised 267  
Code involving a victim who at the time of the commission of the 268  
offense was a member of the family or household that is the 269  
subject of the current proceeding; whether either parent 270  
previously has been convicted of an offense involving a victim 271  
who at the time of the commission of the offense was a member of 272  
the family or household that is the subject of the current 273  
proceeding and caused physical harm to the victim in the 274  
commission of the offense; and whether there is reason to 275  
believe that the person has acted in a manner resulting in a 276  
child being an abused child or a neglected child; 277

(13) Whether the residential parent or one of the parents 278  
subject to a shared parenting decree has continuously and 279  
willfully denied the other parent's right to parenting time in 280  
accordance with an order of the court; 281

(14) Whether either parent has established a residence or 282  
is planning to establish a residence outside this state; 283

(15) In relation to requested companionship or visitation 284  
by a person other than a parent, the wishes and concerns of the 285  
child's parents, as expressed by them to the court; 286

(16) Any other factor in the best interest of the child. 287

(E) The remarriage of a residential parent of a child does 288  
not affect the authority of a court under this section to grant 289  
parenting time rights with respect to the child to the parent 290  
who is not the residential parent or to grant reasonable 291  
companionship or visitation rights with respect to the child to 292  
any grandparent, any person related by consanguinity or 293  
affinity, or any other person. 294

(F) (1) If the court, pursuant to division (A) of this 295  
section, denies parenting time to a parent who is not the 296  
residential parent or denies a motion for reasonable 297  
companionship or visitation rights filed under division (B) of 298  
this section and the parent or movant files a written request 299  
for findings of fact and conclusions of law, the court shall 300  
state in writing its findings of fact and conclusions of law in 301  
accordance with Civil Rule 52. 302

(2) On or before July 1, 1991, each court of common pleas, 303  
by rule, shall adopt standard parenting time guidelines. A court 304  
shall have discretion to deviate from its standard parenting 305  
time guidelines based upon factors set forth in division (D) of 306  
this section. 307

(G) (1) If the residential parent intends to move to a 308  
residence other than the residence specified in the parenting 309  
time order or decree of the court, the parent shall file a 310  
notice of intent to relocate with the court that issued the 311  
order or decree. Except as provided in divisions (G) (2), (3), 312  
and (4) of this section, the court shall send a copy of the 313  
notice to the parent who is not the residential parent. Upon 314  
receipt of the notice, the court, on its own motion or the 315  
motion of the parent who is not the residential parent, may 316  
schedule a hearing with notice to both parents to determine 317

whether it is in the best interest of the child to revise the 318  
parenting time schedule for the child. 319

(2) When a court grants parenting time rights to a parent 320  
who is not the residential parent, the court shall determine 321  
whether that parent has been convicted of or pleaded guilty to a 322  
violation of section 2919.25 of the Revised Code involving a 323  
victim who at the time of the commission of the offense was a 324  
member of the family or household that is the subject of the 325  
proceeding, has been convicted of or pleaded guilty to any other 326  
offense involving a victim who at the time of the commission of 327  
the offense was a member of the family or household that is the 328  
subject of the proceeding and caused physical harm to the victim 329  
in the commission of the offense, or has been determined to be 330  
the perpetrator of the abusive act that is the basis of an 331  
adjudication that a child is an abused child. If the court 332  
determines that that parent has not been so convicted and has 333  
not been determined to be the perpetrator of an abusive act that 334  
is the basis of a child abuse adjudication, the court shall 335  
issue an order stating that a copy of any notice of relocation 336  
that is filed with the court pursuant to division (G) (1) of this 337  
section will be sent to the parent who is given the parenting 338  
time rights in accordance with division (G) (1) of this section. 339

If the court determines that the parent who is granted the 340  
parenting time rights has been convicted of or pleaded guilty to 341  
a violation of section 2919.25 of the Revised Code involving a 342  
victim who at the time of the commission of the offense was a 343  
member of the family or household that is the subject of the 344  
proceeding, has been convicted of or pleaded guilty to any other 345  
offense involving a victim who at the time of the commission of 346  
the offense was a member of the family or household that is the 347  
subject of the proceeding and caused physical harm to the victim 348

in the commission of the offense, or has been determined to be 349  
the perpetrator of the abusive act that is the basis of an 350  
adjudication that a child is an abused child, it shall issue an 351  
order stating that that parent will not be given a copy of any 352  
notice of relocation that is filed with the court pursuant to 353  
division (G)(1) of this section unless the court determines that 354  
it is in the best interest of the children to give that parent a 355  
copy of the notice of relocation, issues an order stating that 356  
that parent will be given a copy of any notice of relocation 357  
filed pursuant to division (G)(1) of this section, and issues 358  
specific written findings of fact in support of its 359  
determination. 360

(3) If a court, prior to April 11, 1991, issued an order 361  
granting parenting time rights to a parent who is not the 362  
residential parent and did not require the residential parent in 363  
that order to give the parent who is granted the parenting time 364  
rights notice of any change of address and if the residential 365  
parent files a notice of relocation pursuant to division (G)(1) 366  
of this section, the court shall determine if the parent who is 367  
granted the parenting time rights has been convicted of or 368  
pleaded guilty to a violation of section 2919.25 of the Revised 369  
Code involving a victim who at the time of the commission of the 370  
offense was a member of the family or household that is the 371  
subject of the proceeding, has been convicted of or pleaded 372  
guilty to any other offense involving a victim who at the time 373  
of the commission of the offense was a member of the family or 374  
household that is the subject of the proceeding and caused 375  
physical harm to the victim in the commission of the offense, or 376  
has been determined to be the perpetrator of the abusive act 377  
that is the basis of an adjudication that a child is an abused 378  
child. If the court determines that the parent who is granted 379

the parenting time rights has not been so convicted and has not 380  
been determined to be the perpetrator of an abusive act that is 381  
the basis of a child abuse adjudication, the court shall issue 382  
an order stating that a copy of any notice of relocation that is 383  
filed with the court pursuant to division (G)(1) of this section 384  
will be sent to the parent who is granted parenting time rights 385  
in accordance with division (G)(1) of this section. 386

If the court determines that the parent who is granted the 387  
parenting time rights has been convicted of or pleaded guilty to 388  
a violation of section 2919.25 of the Revised Code involving a 389  
victim who at the time of the commission of the offense was a 390  
member of the family or household that is the subject of the 391  
proceeding, has been convicted of or pleaded guilty to any other 392  
offense involving a victim who at the time of the commission of 393  
the offense was a member of the family or household that is the 394  
subject of the proceeding and caused physical harm to the victim 395  
in the commission of the offense, or has been determined to be 396  
the perpetrator of the abusive act that is the basis of an 397  
adjudication that a child is an abused child, it shall issue an 398  
order stating that that parent will not be given a copy of any 399  
notice of relocation that is filed with the court pursuant to 400  
division (G)(1) of this section unless the court determines that 401  
it is in the best interest of the children to give that parent a 402  
copy of the notice of relocation, issues an order stating that 403  
that parent will be given a copy of any notice of relocation 404  
filed pursuant to division (G)(1) of this section, and issues 405  
specific written findings of fact in support of its 406  
determination. 407

(4) If a parent who is granted parenting time rights 408  
pursuant to this section or any other section of the Revised 409  
Code is authorized by an order issued pursuant to this section 410

or any other court order to receive a copy of any notice of 411  
relocation that is filed pursuant to division (G) (1) of this 412  
section or pursuant to court order, if the residential parent 413  
intends to move to a residence other than the residence address 414  
specified in the parenting time order, and if the residential 415  
parent does not want the parent who is granted the parenting 416  
time rights to receive a copy of the relocation notice because 417  
the parent with parenting time rights has been convicted of or 418  
pleaded guilty to a violation of section 2919.25 of the Revised 419  
Code involving a victim who at the time of the commission of the 420  
offense was a member of the family or household that is the 421  
subject of the proceeding, has been convicted of or pleaded 422  
guilty to any other offense involving a victim who at the time 423  
of the commission of the offense was a member of the family or 424  
household that is the subject of the proceeding and caused 425  
physical harm to the victim in the commission of the offense, or 426  
has been determined to be the perpetrator of the abusive act 427  
that is the basis of an adjudication that a child is an abused 428  
child, the residential parent may file a motion with the court 429  
requesting that the parent who is granted the parenting time 430  
rights not receive a copy of any notice of relocation. Upon the 431  
filing of the motion, the court shall schedule a hearing on the 432  
motion and give both parents notice of the date, time, and 433  
location of the hearing. If the court determines that the parent 434  
who is granted the parenting time rights has been so convicted 435  
or has been determined to be the perpetrator of an abusive act 436  
that is the basis of a child abuse adjudication, the court shall 437  
issue an order stating that the parent who is granted the 438  
parenting time rights will not be given a copy of any notice of 439  
relocation that is filed with the court pursuant to division (G) 440  
(1) of this section or that the residential parent is no longer 441  
required to give that parent a copy of any notice of relocation 442

unless the court determines that it is in the best interest of 443  
the children to give that parent a copy of the notice of 444  
relocation, issues an order stating that that parent will be 445  
given a copy of any notice of relocation filed pursuant to 446  
division (G)(1) of this section, and issues specific written 447  
findings of fact in support of its determination. If it does not 448  
so find, it shall dismiss the motion. 449

(H)(1) Subject to section 3125.16 and division (F) of 450  
section 3319.321 of the Revised Code, a parent of a child who is 451  
not the residential parent of the child is entitled to access, 452  
under the same terms and conditions under which access is 453  
provided to the residential parent, to any record that is 454  
related to the child and to which the residential parent of the 455  
child legally is provided access, unless the court determines 456  
that it would not be in the best interest of the child for the 457  
parent who is not the residential parent to have access to the 458  
records under those same terms and conditions. If the court 459  
determines that the parent of a child who is not the residential 460  
parent should not have access to records related to the child 461  
under the same terms and conditions as provided for the 462  
residential parent, the court shall specify the terms and 463  
conditions under which the parent who is not the residential 464  
parent is to have access to those records, shall enter its 465  
written findings of facts and opinion in the journal, and shall 466  
issue an order containing the terms and conditions to both the 467  
residential parent and the parent of the child who is not the 468  
residential parent. The court shall include in every order 469  
issued pursuant to this division notice that any keeper of a 470  
record who knowingly fails to comply with the order or division 471  
(H) of this section is in contempt of court. 472

(2) Subject to section 3125.16 and division (F) of section 473

3319.321 of the Revised Code, subsequent to the issuance of an order under division (H) (1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent, unless the residential parent has presented the keeper of the record with a copy of an order issued under division (H) (1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to records pertaining to the child and the order pertains to the record in question. If the residential parent presents the keeper of the record with a copy of that type of order, the keeper of the record shall permit the parent who is not the residential parent to have access to the record only in accordance with the most recent order that has been issued pursuant to division (H) (1) of this section and presented to the keeper by the residential parent or the parent who is not the residential parent. Any keeper of any record who knowingly fails to comply with division (H) of this section or with any order issued pursuant to division (H) (1) of this section is in contempt of court.

(3) The prosecuting attorney of any county may file a complaint with the court of common pleas of that county requesting the court to issue a protective order preventing the disclosure pursuant to division (H) (1) or (2) of this section of any confidential law enforcement investigatory record. The court shall schedule a hearing on the motion and give notice of the date, time, and location of the hearing to all parties.

(I) A court that issues a parenting time order or decree pursuant to this section or section 3109.12 of the Revised Code

shall determine whether the parent granted the right of 505  
parenting time is to be permitted access, in accordance with 506  
section 5104.039 of the Revised Code, to any child day-care 507  
center that is, or that in the future may be, attended by the 508  
children with whom the right of parenting time is granted. 509  
Unless the court determines that the parent who is not the 510  
residential parent should not have access to the center to the 511  
same extent that the residential parent is granted access to the 512  
center, the parent who is not the residential parent and who is 513  
granted parenting time rights is entitled to access to the 514  
center to the same extent that the residential parent is granted 515  
access to the center. If the court determines that the parent 516  
who is not the residential parent should not have access to the 517  
center to the same extent that the residential parent is granted 518  
such access under section 5104.039 of the Revised Code, the 519  
court shall specify the terms and conditions under which the 520  
parent who is not the residential parent is to have access to 521  
the center, provided that the access shall not be greater than 522  
the access that is provided to the residential parent under 523  
section 5104.039 of the Revised Code, the court shall enter its 524  
written findings of fact and opinions in the journal, and the 525  
court shall include the terms and conditions of access in the 526  
parenting time order or decree. 527

(J) (1) Subject to division (F) of section 3319.321 of the 528  
Revised Code, when a court issues an order or decree allocating 529  
parental rights and responsibilities for the care of a child, 530  
the parent of the child who is not the residential parent of the 531  
child is entitled to access, under the same terms and conditions 532  
under which access is provided to the residential parent, to any 533  
student activity that is related to the child and to which the 534  
residential parent of the child legally is provided access, 535

unless the court determines that it would not be in the best 536  
interest of the child to grant the parent who is not the 537  
residential parent access to the student activities under those 538  
same terms and conditions. If the court determines that the 539  
parent of the child who is not the residential parent should not 540  
have access to any student activity that is related to the child 541  
under the same terms and conditions as provided for the 542  
residential parent, the court shall specify the terms and 543  
conditions under which the parent who is not the residential 544  
parent is to have access to those student activities, shall 545  
enter its written findings of facts and opinion in the journal, 546  
and shall issue an order containing the terms and conditions to 547  
both the residential parent and the parent of the child who is 548  
not the residential parent. The court shall include in every 549  
order issued pursuant to this division notice that any school 550  
official or employee who knowingly fails to comply with the 551  
order or division (J) of this section is in contempt of court. 552

(2) Subject to division (F) of section 3319.321 of the 553  
Revised Code, subsequent to the issuance of an order under 554  
division (J)(1) of this section, all school officials and 555  
employees shall permit the parent of the child who is not the 556  
residential parent to have access to any student activity under 557  
the same terms and conditions under which access is provided to 558  
the residential parent of the child, unless the residential 559  
parent has presented the school official or employee, the board 560  
of education of the school, or the governing body of the 561  
chartered nonpublic school with a copy of an order issued under 562  
division (J)(1) of this section that limits the terms and 563  
conditions under which the parent who is not the residential 564  
parent is to have access to student activities related to the 565  
child and the order pertains to the student activity in 566

question. If the residential parent presents the school official 567  
or employee, the board of education of the school, or the 568  
governing body of the chartered nonpublic school with a copy of 569  
that type of order, the school official or employee shall permit 570  
the parent who is not the residential parent to have access to 571  
the student activity only in accordance with the most recent 572  
order that has been issued pursuant to division (J) (1) of this 573  
section and presented to the school official or employee, the 574  
board of education of the school, or the governing body of the 575  
chartered nonpublic school by the residential parent or the 576  
parent who is not the residential parent. Any school official or 577  
employee who knowingly fails to comply with division (J) of this 578  
section or with any order issued pursuant to division (J) (1) of 579  
this section is in contempt of court. 580

(K) If any person is found in contempt of court for 581  
failing to comply with or interfering with any order or decree 582  
granting parenting time rights issued pursuant to this section 583  
or section 3109.12 of the Revised Code or companionship or 584  
visitation rights issued pursuant to this section, section 585  
3109.11 ~~or~~, 3109.12, or 3109.18 to 3109.183 of the Revised 586  
Code, or any other provision of the Revised Code, the court that 587  
makes the finding, in addition to any other penalty or remedy 588  
imposed, shall assess all court costs arising out of the 589  
contempt proceeding against the person and require the person to 590  
pay any reasonable attorney's fees of any adverse party, as 591  
determined by the court, that arose in relation to the act of 592  
contempt, and may award reasonable compensatory parenting time 593  
or visitation to the person whose right of parenting time or 594  
visitation was affected by the failure or interference if such 595  
compensatory parenting time or visitation is in the best 596  
interest of the child. Any compensatory parenting time or 597

visitation awarded under this division shall be included in an 598  
order issued by the court and, to the extent possible, shall be 599  
governed by the same terms and conditions as was the parenting 600  
time or visitation that was affected by the failure or 601  
interference. 602

(L) Any parent who requests reasonable parenting time 603  
rights with respect to a child under this section or section 604  
3109.12 of the Revised Code or any person who requests 605  
reasonable companionship or visitation rights with respect to a 606  
child under this section, section 3109.11 ~~or~~, 3109.12, or 607  
3109.18 to 3109.183 of the Revised Code, or any other provision 608  
of the Revised Code may file a motion with the court requesting 609  
that it waive all or any part of the costs that may accrue in 610  
the proceedings. If the court determines that the movant is 611  
indigent and that the waiver is in the best interest of the 612  
child, the court, in its discretion, may waive payment of all or 613  
any part of the costs of those proceedings. 614

(M) (1) A parent who receives an order for active military 615  
service in the uniformed services and who is subject to a 616  
parenting time order may apply to the court for any of the 617  
following temporary orders for the period extending from the 618  
date of the parent's departure to the date of return: 619

(a) An order delegating all or part of the parent's 620  
parenting time with the child to a relative or to another person 621  
who has a close and substantial relationship with the child if 622  
the delegation is in the child's best interest; 623

(b) An order that the other parent make the child 624  
reasonably available for parenting time with the parent when the 625  
parent is on leave from active military service; 626

(c) An order that the other parent facilitate contact, 627  
including telephone and electronic contact, between the parent 628  
and child while the parent is on active military service. 629

(2) (a) Upon receipt of an order for active military 630  
service, a parent who is subject to a parenting time order and 631  
seeks an order under division (M) (1) of this section shall 632  
notify the other parent who is subject to the parenting time 633  
order and apply to the court as soon as reasonably possible 634  
after receipt of the order for active military service. The 635  
application shall include the date on which the active military 636  
service begins. 637

(b) The court shall schedule a hearing upon receipt of an 638  
application under division (M) of this section and hold the 639  
hearing not later than thirty days after its receipt, except 640  
that the court shall give the case calendar priority and handle 641  
the case expeditiously if exigent circumstances exist in the 642  
case. No hearing shall be required if both parents agree to the 643  
terms of the requested temporary order and the court determines 644  
that the order is in the child's best interest. 645

(c) In determining whether a delegation under division (M) 646  
(1) (a) of this section is in the child's best interest, the 647  
court shall consider all relevant factors, including the factors 648  
set forth in division (D) of this section. 649

(d) An order delegating all or part of the parent's 650  
parenting time pursuant to division (M) (1) (a) of this section 651  
does not create standing on behalf of the person to whom 652  
parenting time is delegated to assert visitation or 653  
companionship rights independent of the order. 654

(3) At the request of a parent who is ordered for active 655

military service in the uniformed services and who is a subject 656  
of a proceeding pertaining to a parenting time order or 657  
pertaining to a request for companionship rights or visitation 658  
with a child, the court shall permit the parent to participate 659  
in the proceeding and present evidence by electronic means, 660  
including communication by telephone, video, or internet to the 661  
extent permitted by rules of the supreme court of Ohio. 662

(N) The juvenile court has exclusive jurisdiction to enter 663  
the orders in any case certified to it from another court. 664

(O) As used in this section: 665

(1) "Abused child" has the same meaning as in section 666  
2151.031 of the Revised Code, and "neglected child" has the same 667  
meaning as in section 2151.03 of the Revised Code. 668

(2) "Active military service" and "uniformed services" 669  
have the same meanings as in section 3109.04 of the Revised 670  
Code. 671

(3) "Confidential law enforcement investigatory record" 672  
has the same meaning as in section 149.43 of the Revised Code. 673

(4) "Parenting time order" means an order establishing the 674  
amount of time that a child spends with the parent who is not 675  
the residential parent or the amount of time that the child is 676  
to be physically located with a parent under a shared parenting 677  
order. 678

(5) "Record" means any record, document, file, or other 679  
material that contains information directly related to a child, 680  
including, but not limited to, any of the following: 681

(a) Records maintained by public and nonpublic schools; 682

(b) Records maintained by facilities that provide child 683

care, as defined in section 5104.01 of the Revised Code, 684  
publicly funded child care, as defined in section 5104.01 of the 685  
Revised Code, or pre-school services operated by or under the 686  
supervision of a school district board of education or a 687  
nonpublic school; 688

(c) Records maintained by hospitals, other facilities, or 689  
persons providing medical or surgical care or treatment for the 690  
child; 691

(d) Records maintained by agencies, departments, 692  
instrumentalities, or other entities of the state or any 693  
political subdivision of the state, other than a child support 694  
enforcement agency. Access to records maintained by a child 695  
support enforcement agency is governed by section 3125.16 of the 696  
Revised Code. 697

**Sec. 3109.11.** If either the father or mother of an 698  
unmarried minor child is deceased, the court of common pleas of 699  
the county in which the minor child resides may grant the 700  
parents and other relatives of the deceased father or mother 701  
reasonable companionship or visitation rights with respect to 702  
the minor child during the child's minority if the parent or 703  
other relative files a complaint requesting reasonable 704  
companionship or visitation rights and if the court determines 705  
that the granting of the companionship or visitation rights is 706  
in the best interest of the minor child. In determining whether 707  
to grant any person reasonable companionship or visitation 708  
rights with respect to any child, the court shall consider all 709  
relevant factors, including, but not limited to, the factors set 710  
forth in division (D) of section 3109.051 of the Revised Code. 711  
Divisions (C), (K), and (L) of section 3109.051 of the Revised 712  
Code apply to the determination of reasonable companionship or 713

visitation rights under this section and to any order granting 714  
any such rights that is issued under this section. 715

The remarriage of the surviving parent of the child or the 716  
adoption of the child by the spouse of the surviving parent of 717  
the child does not affect the authority of the court under this 718  
section to grant reasonable companionship or visitation rights 719  
with respect to the child to a parent or other relative of the 720  
child's deceased father or mother. 721

If the court denies a request for reasonable companionship 722  
or visitation rights made pursuant to this section and the 723  
complainant files a written request for findings of fact and 724  
conclusions of law, the court shall state in writing its 725  
findings of fact and conclusions of law in accordance with Civil 726  
Rule 52. 727

Except as provided in division (E) (6) of section 3113.31 728  
of the Revised Code, if the court, pursuant to this section, 729  
grants any person companionship or visitation rights with 730  
respect to any child, it shall not require the public children 731  
services agency to provide supervision of or other services 732  
related to that person's exercise of companionship or visitation 733  
rights with respect to the child. This section does not limit 734  
the power of a juvenile court pursuant to Chapter 2151. of the 735  
Revised Code to issue orders with respect to children who are 736  
alleged to be abused, neglected, or dependent children or to 737  
make dispositions of children who are adjudicated abused, 738  
neglected, or dependent children or of a common pleas court to 739  
issue orders pursuant to section 3113.31 of the Revised Code. 740

Any person that may be granted visitation rights under 741  
sections 3109.18 to 3109.183 of the Revised Code shall not be 742  
granted visitation rights under this section. 743

Sec. 3109.18. (A) As used in this section and sections 744  
3109.181 to 3109.183 of the Revised Code: 745

(1) "Sibling" has the same meaning as in section 2151.411 746  
of the Revised Code. 747

(2) "Visitation" includes other ongoing interaction that 748  
allows siblings to maintain frequent contact. 749

(B) If a child is placed in temporary custody or permanent 750  
custody under Chapter 2151., 3109., or 3127. of the Revised 751  
Code, or adopted under Chapter 3107. of the Revised Code, the 752  
court of common pleas of the county in which the minor child 753  
resides may grant a sibling visitation rights with respect to 754  
the minor child during the child's minority if the sibling files 755  
a complaint requesting reasonable visitation rights and if the 756  
court determines that the granting of visitation rights is in 757  
the best interest of the minor child. In determining whether to 758  
grant a sibling reasonable visitation rights with respect to any 759  
child, the court shall consider all relevant factors, including 760  
the factors set forth in section 3109.181 of the Revised Code. 761  
Divisions (C), (K), and (L) of section 3109.051 of the Revised 762  
Code apply to the determination of reasonable visitation rights 763  
under this section and to any order granting any such rights 764  
that is issued under this section. 765

(C) If the sibling requesting visitation rights is a 766  
minor, then a parent, guardian, or guardian ad litem may 767  
petition the court on behalf of the minor. 768

(D) If the court denies a request for reasonable 769  
visitation rights made pursuant to this section and the 770  
complainant files a written request for findings of fact and 771  
conclusions of law, the court shall state in writing its 772

findings of fact and conclusions of law in accordance with Civil 773  
Rule 52. 774

(E) Except as provided in division (E)(6) of section 775  
3113.31 of the Revised Code, if the court, pursuant to this 776  
section, grants any sibling visitation rights with respect to 777  
any child, it shall not require the public children services 778  
agency to provide supervision of or other services related to a 779  
sibling's exercise of visitation rights with respect to the 780  
child. This section does not limit the power of a juvenile court 781  
pursuant to Chapter 2151. of the Revised Code to issue orders 782  
with respect to children who are alleged to be abused, 783  
neglected, or dependent children or to make dispositions of 784  
children who are adjudicated abused, neglected, or dependent 785  
children or of a common pleas court to issue orders pursuant to 786  
section 3113.31 of the Revised Code. 787

**Sec. 3109.181.** In determining whether to grant visitation 788  
rights to a sibling pursuant to section 3109.18 of the Revised 789  
Code, in establishing a visitation schedule, and in determining 790  
other visitation matters under section 3109.18 of the Revised 791  
Code, the court shall consider all of the following factors: 792

(A) The relationship between the child and the sibling; 793

(B) The relationship between each of the child's parents 794  
or the person with whom the child is residing and the sibling; 795

(C) The time which has elapsed since the child last had 796  
contact with the sibling; 797

(D) The effect that such visitation will have on the 798  
relationship between the child and the child's parents or the 799  
person with whom the child is residing; 800

(E) If the adoptive parents of the child are divorced or 801

separated, the time sharing arrangement which exists between the 802  
parents with regard to the child; 803

(F) The good faith of the sibling in filing the complaint; 804

(G) The geographical location of the sibling's residence 805  
and the distance between the sibling's residence and the child's 806  
residence; 807

(H) The age of the child; 808

(I) The child's adjustment to home, school, and community; 809

(J) If the court has interviewed the child in chambers, 810  
pursuant to division (C) of section 3109.051 of the Revised 811  
Code, regarding the wishes and concerns of the child as to 812  
visitation by the sibling who requested visitation, as to a 813  
specific visitation schedule, or as to other visitation matters, 814  
the wishes and concerns of the child, as expressed to the court; 815

(K) The health and safety of the child; 816

(L) The mental and physical health of all parties; 817

(M) The willingness of a sibling to reschedule missed 818  
visitation; 819

(N) Whether the sibling previously has been convicted of 820  
or pleaded guilty to any criminal offense involving any act that 821  
resulted in a child being an abused child or a neglected child; 822  
whether a sibling, in a case in which a child has been 823  
adjudicated an abused child or a neglected child, previously has 824  
been determined to be the perpetrator of the abusive or 825  
neglectful act that is the basis of the adjudication; whether a 826  
sibling previously has been convicted of or pleaded guilty to a 827  
violation of section 2919.25 of the Revised Code involving a 828  
victim who at the time of the commission of the offense was a 829

member of the family or household that is the subject of the 830  
current proceeding; whether a sibling previously has been 831  
convicted of an offense involving a victim who at the time of 832  
the commission of the offense was a member of the family or 833  
household that is the subject of the current proceeding and 834  
caused physical harm to the victim in the commission of the 835  
offense; and whether there is reason to believe that the sibling 836  
has acted in a manner resulting in a child being an abused child 837  
or neglected child; 838

(O) The wishes and concerns of the child's parents, as 839  
expressed by them to the court; 840

(P) Any other factor in the best interest of the child. 841

**Sec. 3109.182.** If a child who is in the custody of a 842  
public children services agency or private child placing agency 843  
is placed for adoption, the agency shall provide the court with 844  
jurisdiction over the adoption proceedings with a copy of any 845  
order for visitation with a sibling of the child that was issued 846  
under section 3109.18 of the Revised Code. The court shall 847  
conduct a hearing to determine whether to terminate or modify 848  
the order for visitation with a sibling based on the factors 849  
listed in section 3109.181 of the Revised Code. 850

**Sec. 3109.183.** A court may join any of the following as a 851  
party to a proceeding for the issuance, modification, or 852  
termination of visitation rights for the sibling of a child: 853

(A) The adoptive parent of the child; 854

(B) A person seeking to adopt the child; 855

(C) The child who: 856

(1) Has been adopted or whose adoption is being sought; or 857

|   |                                 |
|---|---------------------------------|
| <u>(2) Is in temporary or permanent custody.</u>  | 858                             |
| <u>(D) A sibling of the child described in division (C) of this section;</u>  | 859<br>860                      |
| <u>(E) The public children services agency or private child placing agency that has temporary or permanent custody of the child;</u>  | 861<br>862<br>863               |
| <u>(F) Any person with an interest in the proceeding.</u>   | 864                             |
| <b><u>Sec. 3109.90.</u></b> (A) <u>As used in this section, "sibling" has the same meaning as in section 2151.411 of the Revised Code.</u>  | 865<br>866                      |
| <u>(B) Unless parental rights have been terminated, denied, or limited under sections 3109.50 to 3109.507 of the Revised Code, the termination or permanent divestiture of parental rights under this chapter or Chapter 2151., 3107., or 3127. of the Revised Code does not terminate sibling relationships.</u> | 867<br>868<br>869<br>870<br>871 |
| <b>Sec. 3113.31.</b> (A) As used in this section:   | 872                             |
| (1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:   | 873<br>874                      |
| (a) Attempting to cause or recklessly causing bodily injury;  | 875<br>876                      |
| (b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;  | 877<br>878<br>879               |
| (c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;  | 880<br>881<br>882               |
| (d) Committing a sexually oriented offense.   | 883                             |
| (2) "Court" means the domestic relations division of the  | 884                             |

court of common pleas in counties that have a domestic relations 885  
division and the court of common pleas in counties that do not 886  
have a domestic relations division, or the juvenile division of 887  
the court of common pleas of the county in which the person to 888  
be protected by a protection order issued or a consent agreement 889  
approved under this section resides if the respondent is less 890  
than eighteen years of age. 891

(3) "Family or household member" means any of the 892  
following: 893

(a) Any of the following who is residing with or has 894  
resided with the respondent: 895

(i) A spouse, a person living as a spouse, or a former 896  
spouse of the respondent; 897

(ii) A parent, a foster parent, or a child of the 898  
respondent, or another person related by consanguinity or 899  
affinity to the respondent; 900

(iii) A parent or a child of a spouse, person living as a 901  
spouse, or former spouse of the respondent, or another person 902  
related by consanguinity or affinity to a spouse, person living 903  
as a spouse, or former spouse of the respondent. 904

(b) The natural parent of any child of whom the respondent 905  
is the other natural parent or is the putative other natural 906  
parent. 907

(4) "Person living as a spouse" means a person who is 908  
living or has lived with the respondent in a common law marital 909  
relationship, who otherwise is cohabiting with the respondent, 910  
or who otherwise has cohabited with the respondent within five 911  
years prior to the date of the alleged occurrence of the act in 912  
question. 913

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 914  
915  
916

(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 917  
918

(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 919  
920

(8) "Expunge" has the same meaning as in section 2903.213 of the Revised Code. 921  
922

(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence. 923  
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925  
926

(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state: 927  
928  
929  
930  
931

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent, including a description of the nature and extent of the domestic violence; 932  
933  
934  
935

(2) The relationship of the respondent to the petitioner, and to the victim if other than the petitioner; 936  
937

(3) A request for relief under this section. 938

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The 939  
940  
941

court, for good cause shown at the ex parte hearing, may enter 942  
any temporary orders, with or without bond, including, but not 943  
limited to, an order described in division (E)(1)(a), (b), or 944  
(c) of this section, that the court finds necessary to protect 945  
the family or household member from domestic violence. Immediate 946  
and present danger of domestic violence to the family or 947  
household member constitutes good cause for purposes of this 948  
section. Immediate and present danger includes, but is not 949  
limited to, situations in which the respondent has threatened 950  
the family or household member with bodily harm, in which the 951  
respondent has threatened the family or household member with a 952  
sexually oriented offense, or in which the respondent previously 953  
has been convicted of, pleaded guilty to, or been adjudicated a 954  
delinquent child for an offense that constitutes domestic 955  
violence against the family or household member. 956

(2)(a) If the court, after an ex parte hearing, issues an 957  
order described in division (E)(1)(b) or (c) of this section, 958  
the court shall schedule a full hearing for a date that is 959  
within seven court days after the ex parte hearing. If any other 960  
type of protection order that is authorized under division (E) 961  
of this section is issued by the court after an ex parte 962  
hearing, the court shall schedule a full hearing for a date that 963  
is within ten court days after the ex parte hearing. The court 964  
shall give the respondent notice of, and an opportunity to be 965  
heard at, the full hearing. The court shall hold the full 966  
hearing on the date scheduled under this division unless the 967  
court grants a continuance of the hearing in accordance with 968  
this division. Under any of the following circumstances or for 969  
any of the following reasons, the court may grant a continuance 970  
of the full hearing to a reasonable time determined by the 971  
court: 972

|   |  |
|---|--|
| (i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.   | 973<br>974<br>975<br>976               |
| (ii) The parties consent to the continuance.  | 977                                    |
| (iii) The continuance is needed to allow a party to obtain counsel.   | 978<br>979                             |
| (iv) The continuance is needed for other good cause.  | 980                                    |
| (b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D) (2) (a) of this section or because the court grants a continuance under that division.                   | 981<br>982<br>983<br>984<br>985        |
| (3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter. | 986<br>987<br>988<br>989<br>990<br>991 |
| (E) (1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members. The order or agreement may:  | 992<br>993<br>994<br>995<br>996        |
| (a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members;  | 997<br>998<br>999                      |
| (b) Grant possession of the residence or household to the   | 1000                                   |

petitioner or other family or household member, to the exclusion 1001  
of the respondent, by evicting the respondent, when the 1002  
residence or household is owned or leased solely by the 1003  
petitioner or other family or household member, or by ordering 1004  
the respondent to vacate the premises, when the residence or 1005  
household is jointly owned or leased by the respondent, and the 1006  
petitioner or other family or household member; 1007

(c) When the respondent has a duty to support the 1008  
petitioner or other family or household member living in the 1009  
residence or household and the respondent is the sole owner or 1010  
lessee of the residence or household, grant possession of the 1011  
residence or household to the petitioner or other family or 1012  
household member, to the exclusion of the respondent, by 1013  
ordering the respondent to vacate the premises, or, in the case 1014  
of a consent agreement, allow the respondent to provide 1015  
suitable, alternative housing; 1016

(d) Temporarily allocate parental rights and 1017  
responsibilities for the care of, or establish temporary 1018  
parenting time rights with regard to, minor children, if no 1019  
other court has determined, or is determining, the allocation of 1020  
parental rights and responsibilities for the minor children or 1021  
parenting time rights; 1022

(e) Require the respondent to maintain support, if the 1023  
respondent customarily provides for or contributes to the 1024  
support of the family or household member, or if the respondent 1025  
has a duty to support the petitioner or family or household 1026  
member; 1027

(f) Require the respondent, petitioner, victim of domestic 1028  
violence, or any combination of those persons, to seek 1029  
counseling; 1030

(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member;

(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or other family or household member and the apportionment of household and family personal property;

(i) Require that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the petitioner;

(j) Authorize the petitioner to remove a companion animal owned by the petitioner from the possession of the respondent;

(k) Require a wireless service transfer in accordance with sections 3113.45 to 3113.459 of the Revised Code.

(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order, it also shall include in the order provisions of the type described in division (E) (7) of this section. This division does not preclude the court from including in a protection order or consent agreement, in circumstances other than those described in this division, a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment

of the petitioner or a family or household member, and, if the 1060  
court includes any requirement of that type in an order or 1061  
agreement, the court also shall include in the order provisions 1062  
of the type described in division (E) (7) of this section. 1063

(3) (a) Any protection order issued or consent agreement 1064  
approved under this section shall be valid until a date certain, 1065  
but not later than five years from the date of its issuance or 1066  
approval, or not later than the date a respondent who is less 1067  
than eighteen years of age attains nineteen years of age, unless 1068  
modified or terminated as provided in division (E) (8) of this 1069  
section. 1070

(b) Subject to the limitation on the duration of an order 1071  
or agreement set forth in division (E) (3) (a) of this section, 1072  
any order under division (E) (1) (d) of this section shall 1073  
terminate on the date that a court in an action for divorce, 1074  
dissolution of marriage, or legal separation brought by the 1075  
petitioner or respondent issues an order allocating parental 1076  
rights and responsibilities for the care of children or on the 1077  
date that a juvenile court in an action brought by the 1078  
petitioner or respondent issues an order awarding legal custody 1079  
of minor children. Subject to the limitation on the duration of 1080  
an order or agreement set forth in division (E) (3) (a) of this 1081  
section, any order under division (E) (1) (e) of this section 1082  
shall terminate on the date that a court in an action for 1083  
divorce, dissolution of marriage, or legal separation brought by 1084  
the petitioner or respondent issues a support order or on the 1085  
date that a juvenile court in an action brought by the 1086  
petitioner or respondent issues a support order. 1087

(c) Any protection order issued or consent agreement 1088  
approved pursuant to this section may be renewed in the same 1089

manner as the original order or agreement was issued or 1090  
approved. 1091

(4) A court may not issue a protection order that requires 1092  
a petitioner to do or to refrain from doing an act that the 1093  
court may require a respondent to do or to refrain from doing 1094  
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 1095  
this section unless all of the following apply: 1096

(a) The respondent files a separate petition for a 1097  
protection order in accordance with this section. 1098

(b) The petitioner is served notice of the respondent's 1099  
petition at least forty-eight hours before the court holds a 1100  
hearing with respect to the respondent's petition, or the 1101  
petitioner waives the right to receive this notice. 1102

(c) If the petitioner has requested an ex parte order 1103  
pursuant to division (D) of this section, the court does not 1104  
delay any hearing required by that division beyond the time 1105  
specified in that division in order to consolidate the hearing 1106  
with a hearing on the petition filed by the respondent. 1107

(d) After a full hearing at which the respondent presents 1108  
evidence in support of the request for a protection order and 1109  
the petitioner is afforded an opportunity to defend against that 1110  
evidence, the court determines that the petitioner has committed 1111  
an act of domestic violence or has violated a temporary 1112  
protection order issued pursuant to section 2919.26 of the 1113  
Revised Code, that both the petitioner and the respondent acted 1114  
primarily as aggressors, and that neither the petitioner nor the 1115  
respondent acted primarily in self-defense. 1116

(5) No protection order issued or consent agreement 1117  
approved under this section shall in any manner affect title to 1118

any real property. 1119

(6) (a) If a petitioner, or the child of a petitioner, who 1120  
obtains a protection order or consent agreement pursuant to 1121  
division (E) (1) of this section or a temporary protection order 1122  
pursuant to section 2919.26 of the Revised Code and is the 1123  
subject of a parenting time order issued pursuant to section 1124  
3109.051 or 3109.12 of the Revised Code or a visitation or 1125  
companionship order issued pursuant to section 3109.051, 1126  
3109.11, ~~or 3109.12,~~ or 3109.18 to 3109.183 of the Revised Code 1127  
or division (E) (1) (d) of this section granting parenting time 1128  
rights to the respondent, the court may require the public 1129  
children services agency of the county in which the court is 1130  
located to provide supervision of the respondent's exercise of 1131  
parenting time or visitation or companionship rights with 1132  
respect to the child for a period not to exceed nine months, if 1133  
the court makes the following findings of fact: 1134

(i) The child is in danger from the respondent; 1135

(ii) No other person or agency is available to provide the 1136  
supervision. 1137

(b) A court that requires an agency to provide supervision 1138  
pursuant to division (E) (6) (a) of this section shall order the 1139  
respondent to reimburse the agency for the cost of providing the 1140  
supervision, if it determines that the respondent has sufficient 1141  
income or resources to pay that cost. 1142

(7) (a) If a protection order issued or consent agreement 1143  
approved under this section includes a requirement that the 1144  
respondent be evicted from or vacate the residence or household 1145  
or refrain from entering the residence, school, business, or 1146  
place of employment of the petitioner or a family or household 1147

member, the order or agreement shall state clearly that the 1148  
order or agreement cannot be waived or nullified by an 1149  
invitation to the respondent from the petitioner or other family 1150  
or household member to enter the residence, school, business, or 1151  
place of employment or by the respondent's entry into one of 1152  
those places otherwise upon the consent of the petitioner or 1153  
other family or household member. 1154

(b) Division (E) (7) (a) of this section does not limit any 1155  
discretion of a court to determine that a respondent charged 1156  
with a violation of section 2919.27 of the Revised Code, with a 1157  
violation of a municipal ordinance substantially equivalent to 1158  
that section, or with contempt of court, which charge is based 1159  
on an alleged violation of a protection order issued or consent 1160  
agreement approved under this section, did not commit the 1161  
violation or was not in contempt of court. 1162

(8) (a) The court may modify or terminate as provided in 1163  
division (E) (8) of this section a protection order or consent 1164  
agreement that was issued after a full hearing under this 1165  
section. The court that issued the protection order or approved 1166  
the consent agreement shall hear a motion for modification or 1167  
termination of the protection order or consent agreement 1168  
pursuant to division (E) (8) of this section. 1169

(b) Either the petitioner or the respondent of the 1170  
original protection order or consent agreement may bring a 1171  
motion for modification or termination of a protection order or 1172  
consent agreement that was issued or approved after a full 1173  
hearing. The court shall require notice of the motion to be made 1174  
as provided by the Rules of Civil Procedure. If the petitioner 1175  
for the original protection order or consent agreement has 1176  
requested that the petitioner's address be kept confidential, 1177

the court shall not disclose the address to the respondent of 1178  
the original protection order or consent agreement or any other 1179  
person, except as otherwise required by law. The moving party 1180  
has the burden of proof to show, by a preponderance of the 1181  
evidence, that modification or termination of the protection 1182  
order or consent agreement is appropriate because either the 1183  
protection order or consent agreement is no longer needed or 1184  
because the terms of the original protection order or consent 1185  
agreement are no longer appropriate. 1186

(c) In considering whether to modify or terminate a 1187  
protection order or consent agreement issued or approved under 1188  
this section, the court shall consider all relevant factors, 1189  
including, but not limited to, the following: 1190

(i) Whether the petitioner consents to modification or 1191  
termination of the protection order or consent agreement; 1192

(ii) Whether the petitioner fears the respondent; 1193

(iii) The current nature of the relationship between the 1194  
petitioner and the respondent; 1195

(iv) The circumstances of the petitioner and respondent, 1196  
including the relative proximity of the petitioner's and 1197  
respondent's workplaces and residences and whether the 1198  
petitioner and respondent have minor children together; 1199

(v) Whether the respondent has complied with the terms and 1200  
conditions of the original protection order or consent 1201  
agreement; 1202

(vi) Whether the respondent has a continuing involvement 1203  
with illegal drugs or alcohol; 1204

(vii) Whether the respondent has been convicted of, 1205

pleaded guilty to, or been adjudicated a delinquent child for an 1206  
offense of violence since the issuance of the protection order 1207  
or approval of the consent agreement; 1208

(viii) Whether any other protection orders, consent 1209  
agreements, restraining orders, or no contact orders have been 1210  
issued against the respondent pursuant to this section, section 1211  
2919.26 of the Revised Code, any other provision of state law, 1212  
or the law of any other state; 1213

(ix) Whether the respondent has participated in any 1214  
domestic violence treatment, intervention program, or other 1215  
counseling addressing domestic violence and whether the 1216  
respondent has completed the treatment, program, or counseling; 1217

(x) The time that has elapsed since the protection order 1218  
was issued or since the consent agreement was approved; 1219

(xi) The age and health of the respondent; 1220

(xii) When the last incident of abuse, threat of harm, or 1221  
commission of a sexually oriented offense occurred or other 1222  
relevant information concerning the safety and protection of the 1223  
petitioner or other protected parties. 1224

(d) If a protection order or consent agreement is modified 1225  
or terminated as provided in division (E) (8) of this section, 1226  
the court shall issue copies of the modified or terminated order 1227  
or agreement as provided in division (F) of this section. A 1228  
petitioner may also provide notice of the modification or 1229  
termination to the judicial and law enforcement officials in any 1230  
county other than the county in which the order or agreement is 1231  
modified or terminated as provided in division (N) of this 1232  
section. 1233

(e) If the respondent moves for modification or 1234

termination of a protection order or consent agreement pursuant 1235  
to this section and the court denies the motion, the court may 1236  
assess costs against the respondent for the filing of the 1237  
motion. 1238

(9) Any protection order issued or any consent agreement 1239  
approved pursuant to this section shall include a provision that 1240  
the court will automatically seal all of the records of the 1241  
proceeding in which the order is issued or agreement approved on 1242  
the date the respondent attains the age of nineteen years unless 1243  
the petitioner provides the court with evidence that the 1244  
respondent has not complied with all of the terms of the 1245  
protection order or consent agreement. The protection order or 1246  
consent agreement shall specify the date when the respondent 1247  
attains the age of nineteen years. 1248

(F) (1) A copy of any protection order, or consent 1249  
agreement, that is issued, approved, modified, or terminated 1250  
under this section shall be issued by the court to the 1251  
petitioner, to the respondent, and to all law enforcement 1252  
agencies that have jurisdiction to enforce the order or 1253  
agreement. The court shall direct that a copy of an order be 1254  
delivered to the respondent on the same day that the order is 1255  
entered. 1256

(2) Upon the issuance of a protection order or the 1257  
approval of a consent agreement under this section, the court 1258  
shall provide the parties to the order or agreement with the 1259  
following notice orally or by form: 1260

"NOTICE 1261

As a result of this order or consent agreement, it may be 1262  
unlawful for you to possess or purchase a firearm, including a 1263

rifle, pistol, or revolver, or ammunition pursuant to federal 1264  
law under 18 U.S.C. 922(g)(8). If you have any questions whether 1265  
this law makes it illegal for you to possess or purchase a 1266  
firearm or ammunition, you should consult an attorney." 1267

(3) All law enforcement agencies shall establish and 1268  
maintain an index for the protection orders and the approved 1269  
consent agreements delivered to the agencies pursuant to 1270  
division (F)(1) of this section. With respect to each order and 1271  
consent agreement delivered, each agency shall note on the index 1272  
the date and time that it received the order or consent 1273  
agreement. 1274

(4) Regardless of whether the petitioner has registered 1275  
the order or agreement in the county in which the officer's 1276  
agency has jurisdiction pursuant to division (N) of this 1277  
section, any officer of a law enforcement agency shall enforce a 1278  
protection order issued or consent agreement approved by any 1279  
court in this state in accordance with the provisions of the 1280  
order or agreement, including removing the respondent from the 1281  
premises, if appropriate. 1282

(G)(1) Any proceeding under this section shall be 1283  
conducted in accordance with the Rules of Civil Procedure, 1284  
except that an order under this section may be obtained with or 1285  
without bond. An order issued under this section, other than an 1286  
ex parte order, that grants a protection order or approves a 1287  
consent agreement, that refuses to grant a protection order or 1288  
approve a consent agreement that modifies or terminates a 1289  
protection order or consent agreement, or that refuses to modify 1290  
or terminate a protection order or consent agreement, is a 1291  
final, appealable order. The remedies and procedures provided in 1292  
this section are in addition to, and not in lieu of, any other 1293

available civil or criminal remedies. 1294

(2) If as provided in division (G)(1) of this section an 1295  
order issued under this section, other than an ex parte order, 1296  
refuses to grant a protection order, the court, on its own 1297  
motion, shall order that the ex parte order issued under this 1298  
section and all of the records pertaining to that ex parte order 1299  
be expunged after either of the following occurs: 1300

(a) The period of the notice of appeal from the order that 1301  
refuses to grant a protection order has expired. 1302

(b) The order that refuses to grant the protection order 1303  
is appealed and an appellate court to which the last appeal of 1304  
that order is taken affirms the order. 1305

(H) The filing of proceedings under this section does not 1306  
excuse a person from filing any report or giving any notice 1307  
required by section 2151.421 of the Revised Code or by any other 1308  
law. When a petition under this section alleges domestic 1309  
violence against minor children, the court shall report the 1310  
fact, or cause reports to be made, to a county, township, or 1311  
municipal peace officer under section 2151.421 of the Revised 1312  
Code. 1313

(I) Any law enforcement agency that investigates a 1314  
domestic dispute shall provide information to the family or 1315  
household members involved regarding the relief available under 1316  
this section and section 2919.26 of the Revised Code. 1317

(J) (1) Subject to divisions (E)(8)(e) and (J)(2) of this 1318  
section and regardless of whether a protection order is issued 1319  
or a consent agreement is approved by a court of another county 1320  
or a court of another state, no court or unit of state or local 1321  
government shall charge the petitioner any fee, cost, deposit, 1322

or money in connection with the filing of a petition pursuant to 1323  
this section or in connection with the filing, issuance, 1324  
registration, modification, enforcement, dismissal, withdrawal, 1325  
or service of a protection order, consent agreement, or witness 1326  
subpoena or for obtaining a certified copy of a protection order 1327  
or consent agreement. 1328

(2) Regardless of whether a protection order is issued or 1329  
a consent agreement is approved pursuant to this section, the 1330  
court may assess costs against the respondent in connection with 1331  
the filing, issuance, registration, modification, enforcement, 1332  
dismissal, withdrawal, or service of a protection order, consent 1333  
agreement, or witness subpoena or for obtaining a certified copy 1334  
of a protection order or consent agreement. 1335

(K) (1) The court shall comply with Chapters 3119., 3121., 1336  
3123., and 3125. of the Revised Code when it makes or modifies 1337  
an order for child support under this section. 1338

(2) If any person required to pay child support under an 1339  
order made under this section on or after April 15, 1985, or 1340  
modified under this section on or after December 31, 1986, is 1341  
found in contempt of court for failure to make support payments 1342  
under the order, the court that makes the finding, in addition 1343  
to any other penalty or remedy imposed, shall assess all court 1344  
costs arising out of the contempt proceeding against the person 1345  
and require the person to pay any reasonable attorney's fees of 1346  
any adverse party, as determined by the court, that arose in 1347  
relation to the act of contempt. 1348

(L) (1) A person who violates a protection order issued or 1349  
a consent agreement approved under this section is subject to 1350  
the following sanctions: 1351

(a) Criminal prosecution or a delinquent child proceeding 1352  
for a violation of section 2919.27 of the Revised Code, if the 1353  
violation of the protection order or consent agreement 1354  
constitutes a violation of that section; 1355

(b) Punishment for contempt of court. 1356

(2) The punishment of a person for contempt of court for 1357  
violation of a protection order issued or a consent agreement 1358  
approved under this section does not bar criminal prosecution of 1359  
the person or a delinquent child proceeding concerning the 1360  
person for a violation of section 2919.27 of the Revised Code. 1361  
However, a person punished for contempt of court is entitled to 1362  
credit for the punishment imposed upon conviction of or 1363  
adjudication as a delinquent child for a violation of that 1364  
section, and a person convicted of or adjudicated a delinquent 1365  
child for a violation of that section shall not subsequently be 1366  
punished for contempt of court arising out of the same activity. 1367

(M) In all stages of a proceeding under this section, a 1368  
petitioner may be accompanied by a victim advocate. 1369

(N) (1) A petitioner who obtains a protection order or 1370  
consent agreement under this section or a temporary protection 1371  
order under section 2919.26 of the Revised Code may provide 1372  
notice of the issuance or approval of the order or agreement to 1373  
the judicial and law enforcement officials in any county other 1374  
than the county in which the order is issued or the agreement is 1375  
approved by registering that order or agreement in the other 1376  
county pursuant to division (N) (2) of this section and filing a 1377  
copy of the registered order or registered agreement with a law 1378  
enforcement agency in the other county in accordance with that 1379  
division. A person who obtains a protection order issued by a 1380  
court of another state may provide notice of the issuance of the 1381

order to the judicial and law enforcement officials in any 1382  
county of this state by registering the order in that county 1383  
pursuant to section 2919.272 of the Revised Code and filing a 1384  
copy of the registered order with a law enforcement agency in 1385  
that county. 1386

(2) A petitioner may register a temporary protection 1387  
order, protection order, or consent agreement in a county other 1388  
than the county in which the court that issued the order or 1389  
approved the agreement is located in the following manner: 1390

(a) The petitioner shall obtain a certified copy of the 1391  
order or agreement from the clerk of the court that issued the 1392  
order or approved the agreement and present that certified copy 1393  
to the clerk of the court of common pleas or the clerk of a 1394  
municipal court or county court in the county in which the order 1395  
or agreement is to be registered. 1396

(b) Upon accepting the certified copy of the order or 1397  
agreement for registration, the clerk of the court of common 1398  
pleas, municipal court, or county court shall place an 1399  
endorsement of registration on the order or agreement and give 1400  
the petitioner a copy of the order or agreement that bears that 1401  
proof of registration. 1402

(3) The clerk of each court of common pleas, the clerk of 1403  
each municipal court, and the clerk of each county court shall 1404  
maintain a registry of certified copies of temporary protection 1405  
orders, protection orders, or consent agreements that have been 1406  
issued or approved by courts in other counties and that have 1407  
been registered with the clerk. 1408

(0) Nothing in this section prohibits the domestic 1409  
relations division of a court of common pleas in counties that 1410

have a domestic relations division or a court of common pleas in 1411  
counties that do not have a domestic relations division from 1412  
designating a minor child as a protected party on a protection 1413  
order or consent agreement. 1414

**Section 2.** That existing sections 2151.411, 3107.15, 1415  
3109.051, 3109.11, and 3113.31 of the Revised Code are hereby 1416  
repealed. 1417