



Sub. H.B. 583

123rd General Assembly
(As Passed by the General Assembly)

Reps. Williams, Coughlin, Roman, Sutton, Buchy, Sykes

Sens. Ray, Drake, Herington

Effective date: Emergency, June 14, 2000

ACT SUMMARY

- Specifies that the judges of the domestic relations division of the Summit County Court of Common Pleas, except for cases subject to the exclusive original jurisdiction of the juvenile court, are to be assigned and hear all cases pertaining to paternity, custody, visitation, child support, or the allocation of parental rights and responsibilities for the care of children and all post-decree proceedings arising from those cases.
- Specifies that the judges of the domestic relations division of the Summit County Court of Common Pleas must be assigned and hear all proceedings under the Uniform Interstate Family Support Act (UIFSA) proceedings.
- Specifically prohibits the judge of the juvenile division of the Summit County Court of Common Pleas from having jurisdiction or power to hear and from being assigned any case that the act requires be assigned to the domestic relations division of the court.
- Declares an emergency.

CONTENT AND OPERATION

Background

Under continuing law, the judges of the domestic relations division of the Summit County Court of Common Pleas must have assigned to them and must hear all divorce, dissolution of marriage, legal separation, and annulment cases that come

before the court. Under prior law, the judge of the juvenile division of that court had the powers and jurisdiction of a juvenile judge as provided in the Ohio Juvenile Code (R.C. Chapter 2151.). (R.C. 2301.03(I).)

Under continuing law, a juvenile court has exclusive original jurisdiction as follows (R.C. 2151.23(A)):¹

(1) Concerning any alleged juvenile traffic offender or alleged delinquent, unruly, abused, neglected, or dependent child;

(2) Generally, to determine the custody of any child not a ward of another court in Ohio;

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

(4) To exercise the powers of a probate judge in certain cases involving a child who is a mentally ill person subject to hospitalization by court order;

(5) To hear and determine adult criminal cases involving a violation of R.C. Chapter 2151.;

(6) To hear and determine certain other adult criminal cases;

(7) Under the Interstate Compact on Juveniles, which addresses the return of an absconded, escaped, or runaway juvenile to the parent, guardian, person, or agency with legal custody of the juvenile;

(8) Concerning any child taken into custody under the Juvenile Code provision governing apprehension, custody, and detention of a child;

(9) To hear and determine requests for extensions of temporary custody agreements and requests for court approval of permanent custody agreements;

(10) To hear and determine applications for consent to marry;

(11) To hear and determine a request for a child support order if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support under the Uniform Interstate Family Support Act (UIFSA);

¹ *Exclusive, original jurisdiction means a proceeding may be heard from its inception to judgment only by the court granted such jurisdiction.*

(12) Concerning actions dealing with judicial review of the plan of care for a child being provided services by an agency on a county family and children first council;

(13) Concerning an action commenced under R.C. 2151.55 (this section deals with an entity orally communicating its intent to place a child in a foster home in a county other than the county in which the child resided when removed from home--the cross reference in this section is to a version of R.C. 2151.55 that was repealed in Am. Sub. H.B. 283 of the 123rd General Assembly).

Under continuing law for all courts except the Summit County Court of Common Pleas and prior law for that court, a juvenile court has original, but not exclusive, jurisdiction to hear and determine misdemeanors charging adults with an act or omission with respect to a child; to determine paternity of any child alleged to have been born out of wedlock; proceedings under UIFSA; to hear and determine an application for a child support order for a child not a ward of another court in Ohio; and to hear and determine an action to rescind an acknowledgment of paternity (R.C. 2151.23(B)). Additionally, a juvenile court other than the Summit County Court of Common Pleas has jurisdiction to hear, determine, and modify all matters as to custody and support of children duly certified by the common pleas court to the juvenile court after a divorce decree has been granted (R.C. 2151.23(D)).

The act

The act provides that, except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judges of the division of domestic relations of the Summit County Common Pleas Court are to have assigned to them and hear all cases pertaining to paternity, custody, visitation, child support, or the allocation of parental rights and responsibilities for the care of children and all post-decree proceedings arising from any case pertaining to any of those matters. The domestic relations judges are also to have assigned to them and hear all proceedings under UIFSA. (R.C. 2301.03(I)(1).)

The act also specifies that the judge of the juvenile division of that court is not to have jurisdiction or the power to hear, and is not to be assigned, any of the cases described above, unless the cases are subject to the exclusive original jurisdiction of the juvenile court (R.C. 2301.03(I)(2)).

The act creates a specific exception to the general original jurisdiction of juvenile courts for the above provisions (R.C. 2151.23(B)).

The act removes an obsolete provision from the exclusive original jurisdiction of the juvenile court (the reference to actions under R.C. 2151.55--see discussion of existing law above (R.C. 2151.23(A)(13))).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-16-00	p. 1619
Reported, H. Children & Family Services	04-05-00	p. 1774
Passed House (97-0)	04-11-00	pp. 1789-1790
Reported, S. Judiciary	05-18-00	pp. 1758-1759
Passed Senate (33-0)	05-23-00	pp. 1787-1788

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