



Ralph D. Clark

Bill Analysis
Legislative Service Commission

Sub. H.B. 583
123rd General Assembly
(As Reported by H. Children and Family Services)

Reps. Williams, Coughlin, Roman

BILL SUMMARY

- Specifies that, in Summit County, jurisdiction over paternity, custody, visitation, child support, and allocation of parental rights and responsibilities for the care of children cases, and jurisdiction over post-decree proceedings arising from those cases, is in the domestic relations division of the county common pleas court, except if the case is subject to the exclusive original jurisdiction of the juvenile court.
- Specifies that, in Summit County, jurisdiction over Uniform Interstate Family Support Act (UIFSA) proceedings is in the domestic relations division of the county's common pleas court.
- Declares an emergency.

CONTENT AND OPERATION

Background

The Ohio Constitution, Article IV, Section 4, requires the establishment of a court of common pleas serving each county of the state. The General Assembly has statutorily provided for a court of common pleas in each of Ohio's 88 counties. Common pleas courts may have separate general, probate, domestic relations, and juvenile divisions; some have more than one division but not all four. Each division has jurisdiction over subject matters specified in statute.

Under Ohio law, Summit County has four separate divisions of its common pleas court. The judges of the domestic relations division must have assigned to them and must hear all divorce, dissolution of marriage, legal separation, and annulment cases that come before the court. The judges of the juvenile division have the powers and jurisdiction provided in the Ohio Juvenile Code.

Under the Ohio Juvenile Code, a juvenile court has exclusive original jurisdiction over certain subject matter including, for example:¹

1. Proceedings to determine the custody of any child not a ward of another court in Ohio;²
2. Proceedings to determine any application for a writ of habeas corpus involving the custody of a child;
3. Proceedings 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;
4. Proceedings concerning any child taken into custody under the Juvenile Code provision governing apprehension, custody, and detention of a child;
5. Proceedings to determine extensions of temporary custody agreements and requests for court approval of permanent custody agreements;
6. Proceedings to 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).³

Under the Ohio Juvenile Code, a juvenile court has original, but not exclusive, jurisdiction to hear certain other proceedings including, for example, proceedings to determine paternity of any child alleged to have been born out of wedlock; proceedings under UIFSA; and proceedings to determine an application for a child support order for a child not a ward of another court in Ohio. Additionally, the juvenile court has jurisdiction to hear, determine, and modify all

¹ *Exclusive, original jurisdiction means a proceeding may be heard from its inception to judgment only by the court granted such jurisdiction. A complete list of proceedings over which the juvenile court has exclusive jurisdiction can be found in Revised Code section 2151.23(A).*

² *In Fairfield County, however, the probate-juvenile division of the common pleas court has concurrent jurisdiction over these actions with the domestic relations division. R.C. §§ 2151.23(A)(2) and 2301.03(V).*

³ *The probate-juvenile division of the common pleas court in Fairfield County also has concurrent jurisdiction over these proceedings with the domestic relations division of the county. R.C. §§ 2151.23(A)(11) and 2301.03(V).*

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.

The bill

Subject matter jurisdiction changes

(sec. 2301.03)

The bill 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. The judges of the juvenile division are not to have jurisdiction or the power to hear, and are not to be assigned any of the cases described above, unless the cases are subject to the exclusive original jurisdiction of the juvenile court.

Emergency clause

(Section 3)

The bill contains a provision declaring it to be an emergency measure. The reason given for the emergency is that the transfer of jurisdiction over the cases and proceedings accomplished by the bill is crucial to the interests of justice in Summit County. If enacted, the bill will go into immediate effect on the Governor's signature and will not be subject to the referendum.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-16-00	p. 1619
Reported, H. Children and Family Services	04-05-00	p. 1774

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