



Sub. H.B. 772

123rd General Assembly
(As Reported by H. Criminal Justice)

Reps. Cates, Krebs, Jolivette, Callender, Willamowski

BILL SUMMARY

- Adds a new judge to the Court of Common Pleas of Butler County to be elected in 2002 to the juvenile division for a term to begin January 2, 2003.
- Establishes a domestic relations division for the Court of Common Pleas of Muskingum County.
- Adds a new judge to the Court of Common Pleas of Muskingum County to be elected in 2002 to be the judge of the domestic relations division of that court for a term to begin January 2, 2003.

CONTENT AND OPERATION

Butler County Court of Common Pleas

Existing law

The Butler County Court of Common Pleas currently has nine judges: five judges of the general division, two judges of the domestic relations division, a judge of the juvenile division, and a judge of the probate division (R.C. 2303.02(B) and 2301.03(K)(1) and (2) and R.C. 2101.02, not in the bill).

Existing law specifies that the judge of the Butler County Court of Common Pleas whose term begins on January 3, 1987, and successors, has the same qualifications, exercises the same powers and jurisdiction, and receives the same compensation as other judges of the court, and must be elected and designated as judge of the court of common pleas, juvenile division. That judge must be the juvenile judge as provided in the Juvenile Law, with the powers and jurisdictions conferred by that Law. The judge is the administrator of the juvenile division and its subdivisions and departments. The judge has charge of the employment, assignment, and supervision of the personnel of the juvenile division

who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties. The judge also designates the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and fixes their duties.

If the judge is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge must be performed by the other judges of the domestic relations and juvenile divisions. (R.C. 2301.03(K)(2) and (3).)

Operation of the bill

The bill adds a new judge to the Butler County Court of Common Pleas. The judge is to be elected initially in 2002 for a term to begin January 2, 2003. The bill specifies that the new judge is to be elected and designated as a judge of the court of common pleas, juvenile division. (R.C. 2301.02(B) and 2301.03(K)(2).)

Under the bill, the existing provisions governing the compensation, powers, and jurisdiction of the existing judge of the juvenile division, as well as the types of cases assigned to that judge, also apply to the new judge. Under the bill, the judge who is senior in point of service must perform the administrative duties. Thus, the judge of the court of common pleas, juvenile division, *who is senior in point of service*, is the administrator of the juvenile division and its subdivisions and departments. The judge, *senior in point of service*, has charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases. Also, the judge, *senior in point of service*, designates the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and fixes their duties. (R.C. 2301.03(K)(2).)

Muskingum County Court of Common Pleas

Existing law

The Muskingum County Court of Common Pleas currently has three judges: two judges of the general division and a judge of the probate division (R.C. 2303.02(B) and R.C. 2101.02, not in the bill).

Operation of the bill

The bill establishes a domestic relations division for and adds a new judge to the Muskingum County Court of Common Pleas. The judge is to be initially elected in 2002 for a term to begin January 2, 2003. The bill specifies that the new

judge is to be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge, and successors, must have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the Muskingum County Court of Common Pleas. The judge will have all of the powers relating to juvenile courts and must be assigned all cases under the Juvenile Code, all parentage proceedings over which the juvenile court has jurisdiction, all divorce, dissolution of marriage, legal separation, and annulment cases, all parentage cases, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children, the designation for the children of a place of residence and legal custodian, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except cases that for some special reason are assigned to some other judge of the court of common pleas. (R.C. 2301.02(B) and 2301.03(AA).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	09-12-00	p. 2236
Reported, H. Criminal Justice	11-15-00	p. 2363

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