



H.B. 778

123rd General Assembly
(As Introduced)

**Reps. A. Core, Peterson, Goodman, Winkler, Allen, Hoops, Krupinski, Mottley,
Vesper, Williams, Van Vyven, Damschroder**

BILL SUMMARY

- Limits the right to appointed counsel in juvenile court in certain actions relating to the custody and support of a child and certain proceedings conducted under the Parentage Laws.

CONTENT AND OPERATION

Existing law

A child and the child's parents, custodian, or other person in loco parentis of the child are entitled to representation by legal counsel at all stages of the proceedings and if, as an indigent person, any such person is unable to employ counsel, to have counsel provided for the person pursuant to the public defender laws. If a party appears without counsel, the court must ascertain whether the party knows of the party's right to counsel and of the party's right to be provided with counsel if the party is an indigent person. The court may continue the case to enable a party to obtain counsel or to be represented by the county public defender or the joint county public defender and must provide counsel upon request pursuant to the public defender laws. Counsel must be provided for a child not represented by the child's parent, guardian, or custodian. If the interests of two or more such parties conflict, separate counsel must be provided for each of them. (R.C. 2151.352.)

Operation of the bill

The bill provides that the right to appointed counsel described above under "**Existing law**" does not confer the right to court appointed counsel in the following types of civil actions (R.C. 2151.352):

(1) Actions under R.C. 2151.23(A)(2) to determine the custody of any child not a ward of another Ohio court;

(2) Actions under R.C. 2151.23(D) relating to hearing and determining matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce decree has been granted;

(3) Actions under R.C. 2151.23(F) relating to child custody and child support matters in which the court exercises its jurisdiction in child custody matters in accordance with R.C. 3109.04, 3109.21 to 3109.36, and 5103.20 to 5103.28 and in child support matters in accordance with R.C. 3109.05;

(4) Proceedings conducted under the Parentage Laws in accordance with R.C. 3111.13(C) relating to: (a) the duty of support, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child, (b) the payment of the reasonable expenses of the mother's pregnancy and confinement, (c) petitions of the father requesting that the father be designated the residential parent and legal custodian of the child or requesting visitation rights in a proceeding separate from any action to establish paternity, and (d) if the mother is unmarried, a complaint filed pursuant to R.C. 3109.12 by the father, the parents of the father, any relative of the father, the parents of the mother, or any relative of the mother requesting the granting of reasonable companionship or visitation rights with respect to the child.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	09-13-00	p. 2250

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