



*Lisa Sandberg*

*Final Analysis*  
*Legislative Service Commission*

## **Sub. H.B. 11**

124th General Assembly  
(As Passed by the General Assembly)

**Reps. Webster, Cates, Jolivette, Womer Benjamin, Callender, Latta, Seitz, Faber, Willamowski, Jones, Young, Coates, Hoops, Aslanides, Setzer, Ford, Hollister, Evans, Rhine, Seaver, Schneider, Salerno**

**Sens. Nein, Carnes**

**Effective date: October 31, 2001; Sections 3 and 4 effective January 1, 2002**

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### **ACT 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.
- Requires the state to pay its required portion of the compensation of the new judge of the Muskingum County Court of Common Pleas that is due for service that judge performs during the judge's initial six months in office and requires Muskingum County to reimburse the state for the amount of compensation the state paid for the new judge for services performed during that six-month period.

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## CONTENT AND OPERATION

### Butler County Court of Common Pleas

#### Continuing law

The Butler County Court of Common Pleas previously had 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. 2301.02(B) and 2301.03(K)(1) and (2) and R.C. 2101.02, not in the act).

Continuing 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 act

The act 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 act 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 act, the continuing 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 act, 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**

#### **Continuing law**

The Muskingum County Court of Common Pleas previously had three judges: two judges of the general division and a judge of the probate division (R.C. 2301.02(B) and R.C. 2101.02, not in the act).

#### **Operation of the act**

The act 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 act 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).)

The act also adds a temporary law provision that requires the state, pursuant to R.C. 141.04 and 141.05 (the Revised Code sections that specify the annual compensation for common pleas court judges and the portion of that compensation paid by the state and the county), to pay its required portion of the compensation of the new judge of the Muskingum County Court of Common Pleas whose term begins on January 2, 2003, that is due for services that judge performs from January 2, 2003, through June 30, 2003 (the first six months of the judge's term). The provision further requires Muskingum County, notwithstanding R.C. 141.04

and 141.05, to reimburse the state for the amount of compensation that the state pays the new judge of the Muskingum County Court of Common Pleas for services performed by that judge during those first six months of the judge's term.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-31-01	p. 95
Reported, H. Criminal Justice	02-22-01	pp. 171-172
Rereferred to H. Criminal Justice	03-06-01	p. 211
Rereported, H. Criminal Justice	03-13-01	pp. 223-224
Passed House (97-0)	03-14-01	pp. 231-232
Reported, S. Judiciary on Civil Justice	06-07-01	pp. 630-631
Passed Senate (33-0)	06-12-01	p. 645
House concurred in Senate amendments (98-0)	06-13-01	pp. 650-651

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