



Dennis M. Papp

*Bill Analysis*  
Legislative Service Commission

## **Sub. H.B. 309**

125th General Assembly  
(As Passed by the House)

**Reps. Hoops, Callender, Oelslager, Raga, Willamowski, Buehrer, Carano, Cates, Collier, Core, Daniels, Hartnett, Hughes, Latta, Schlichter, Schmidt, G. Smith, Ujvagi, Wilson, Wolpert**

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### **BILL SUMMARY**

- Replaces the part-time judge of the Napoleon Municipal Court with a full-time judge to be elected in 2005.
- Modifies the jurisdiction of the Richland County Court of Common Pleas domestic relations division and its judge.

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### **CONTENT AND OPERATION**

#### **Napoleon Municipal Court**

##### **Existing law**

Existing law establishes a municipal court in Napoleon that is known as the Napoleon Municipal Court. The Napoleon Municipal Court has jurisdiction within Henry County. The Court is served by one part-time judge, who most recently was elected in 1999. (R.C. 1901.01 and 1901.02--not in the bill, and R.C. 1901.08.)

All municipal court judges are elected on a nonpartisan ballot for terms of six years. In one-judge courts, the judge's term commences on the first day of January in the year after the election. (R.C. 1901.07--not in the bill.)

##### **Operation of the bill**

The bill replaces the part-time judge of the Napoleon Municipal Court with a full-time judge to be elected in 2005. The full-time judge will serve a term of six years and begin the term on January 1, 2006. The bill specifies in uncodified law that the part-time status of the judge of the Napoleon Municipal Court who was elected in 1999 will remain unchanged until the end of the current term, December 31, 2005. (R.C. 1901.08 and Section 3; R.C. 1901.07--not in the bill.)

**Richland County Court of Common Pleas, division of domestic relations**

**Existing law**

Under current law, the judge of the Richland County Court of Common Pleas, division of domestic relations is assigned all divorce, dissolution of marriage, legal separation, and annulment cases that come before the Court. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the domestic relations judge is assigned and hears 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 judge also is assigned and hears all proceedings under the Uniform Interstate Family Support Act. (R.C. 2301.03(G)(1).)

**Operation of the bill**

The bill modifies the jurisdiction of the domestic relations division of the Richland County Court of Common Pleas and grants the judge of that division additional duties. Under the bill, in addition to the judge's current jurisdiction, the judge is required to hear all civil domestic violence cases arising under R.C. 3113.31 and all post-decree proceedings arising from any case pertaining to any of those matters. The domestic relations division has concurrent jurisdiction with the juvenile division of the Richland County Court of Common Pleas to determine the care, custody, or control of any child not a ward of another Ohio court, and to hear and determine a request for an order for the support of any child 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 brought under R.C. Chapter 3115. (currently, the domestic relations judge must be assigned and hear all proceedings under R.C. Chapter 3115.). Except in cases subject to the exclusive, original jurisdiction of the juvenile court, in addition to the cases the judge currently must be assigned and hear, the domestic relations judge must be assigned and hear all cases pertaining to the care, custody, and control of children and designation of a child's place of residence, legal custodian, parenting time, or visitation (currently, the provision refers only to cases pertaining to custody), all proceedings arising under R.C. Chapter 3111., and all post-decree proceedings arising from any of those matters.

The bill also expands the administrative duties of the domestic relations judge. In addition to the domestic relations judge's regular duties, the judge is the administrator of the domestic relations division and its subdivisions and departments. The judge has charge of the employment, assignment, and supervision of the personnel of the domestic relations division, including any magistrates the judge considers necessary for the discharge of the judge's duties.

The judge must also designate the title, compensation, expense allowances, hours, leaves of absence, vacation, and other employment-related matters of the personnel of the division and fix their duties. (R.C. 2301.03(G)(1).)

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## COMMENT

In addition to the provisions pertaining to the domestic relations division, existing law sets forth the jurisdiction of the juvenile division of the Richland County Court of Common Pleas, the cases the division's judge is to hear, and the cases that the judge is not to hear or be assigned. In the provision setting forth the cases the juvenile judge does not have jurisdiction or the power to hear and is not to be assigned, the bill changes a reference to "any case pertaining to paternity, custody, visitation, child support, or the allocation of parental rights and responsibilities for the care of children" to a reference to "any case pertaining to paternity or parentage, the care, custody, or control of children, visitation, child support, or the allocation of parental rights and responsibilities for the care of children or parenting times." The change reflects current terminology. The bill also reiterates that the judge's administrative duties are in addition to his or her regular duties. (R.C. 2301.03(G)(2).)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-21-03	p. 1142
Reported, H. Judiciary	11-25-03	pp. 1117-1118
Passed House (90-0)	12-03-03	pp. 1253-1254

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