



**Am. S.B. 128**

126th General Assembly  
(As Passed by the General Assembly)

**Sens. Cates, Wilson, Niehaus, Grendell**

**Reps. Willamowski, Coley, Barrett, Boccieri, Book, Combs, Dolan, Domenick, C. Evans, D. Evans, Harwood, McGregor, Mitchell, Otterman, Schneider, Seaver, Seitz, G. Smith, Wagoner, Webster, DeBose**

**Effective date: December 20, 2005**

---

**ACT SUMMARY**

- Adds one judge to the general division of the Butler County Court of Common Pleas to be elected in 2006 for a term to begin January 3, 2007.
- Adds one judge to the general division of the Morrow County Court of Common Pleas to be elected in 2006 for a term to begin January 1, 2007.
- Adds one judge to the general division of the Lorain County Court of Common Pleas, to be elected in 2006 for a term to begin January 6, 2007.
- Adds one judge to the domestic relations division of the Lorain County Court of Common Pleas, to be elected in 2008 for a term to begin February 9, 2009, and specifies that this judge will be the successor to the Court's probate judge serving on the act's effective date.
- Transfers the jurisdiction and duties of the Lorain County probate judge to the domestic relations division of the Lorain County Court of Common Pleas on and after January 1, 2006.

---

**CONTENT AND OPERATION**

***Additional judge for the Butler County Court of Common Pleas***

The Butler County Court of Common Pleas formerly had 11 judges: six judges of the general division, two judges of the domestic relations division, two judges of the juvenile division, and one judge of the probate division. The act

adds a judge to the Court, to serve in the general division. The new judge will be elected in 2006 for a term to begin January 3, 2007. (R.C. 2101.02 (not in the act), 2301.02(B), and 2301.03(K).)

**Additional judge for the Morrow County Court of Common Pleas**

The Morrow County Court of Common Pleas formerly had one judge. The judge was elected in 2004, is the successor to the judge initially elected in 1956, and served in all capacities for the Court, including as the judge of the Probate Division and as the Juvenile Judge. The act adds a judge to the Court, to be elected in 2006 for a term to begin January 1, 2007. The act provides that the successors to the judge elected in 1956 (i.e., the judge elected in 2004 and that judge's successors) will continue to serve as the probate judge. (R.C. 2301.02(A) and (C).)

**Additional judge for the Lorain County Court of Common Pleas**

The Lorain County Court of Common Pleas formerly had nine judges: five judges of the general division, three judges of the domestic relations division, and one judge of the probate division. The act adds one judge to the Court, to serve in the general division and to be elected in 2006 for a term to begin January 6, 2007. The act also adds one judge to the Court's domestic relations division, to be elected in 2008 for a term to begin February 9, 2009, but the act specifies that the domestic relations judge elected for the term beginning February 9, 2009, will be the successor to the probate judge serving on the act's effective date. Therefore, the net addition to the court is one judge. (R.C. 2101.02 (not in the act), 2301.02(B), and 2301.03(C)(1)(a) and (c).)

**Duties of the Lorain County domestic relations and probate judges**

Under prior law, every court of common pleas, except those in several small counties, had a separate probate division. Formerly, "probate court" meant the probate division, and "probate judge" meant the judge of that division. Also, under prior law many courts of common pleas had domestic relations or juvenile divisions. The Lorain County Court of Common Pleas had both a separate probate division and a domestic relations division. The act retains these provisions except for the change regarding Morrow County as described above and except for the changes regarding Lorain County as described below. (R.C. 2101.01(B), 2301.02(C), and 2301.03(C).)

**January 1, 2006, through February 8, 2009**

The act provides that, in Lorain County, from January 1, 2006, through February 8, 2009, "probate court" means both the probate division and the



domestic relations division of the court of common pleas, and "probate judge" means both the judge of the probate division and each judge of the domestic relations division. In addition to their preexisting juvenile court and domestic relations powers and duties, the domestic relations division judges also will perform the duties and functions of, and will exercise probate jurisdiction concurrently with, the probate judge. With respect to Lorain County, all references in law to the probate court will be construed as references to both the probate court and the division of domestic relations, and all references in law to the probate judge will be construed as references to both the probate judge and the judges of the division of domestic relations. (R.C. 2101.01(B), 2301.02(C), and 2301.03(C).)

**Beginning February 9, 2009**

The act provides that, in Lorain County, beginning February 9, 2009, "probate court" will mean the domestic relations division, and "probate judge" will mean each judge of the domestic relations division. In addition to their preexisting juvenile court and domestic relations powers and duties, the judges of the domestic relations division also will have jurisdiction over probate matters and will perform the duties and functions of the judge of the probate division. With respect to Lorain County: (1) all references in law to the probate court will be construed as references to the court of common pleas, division of domestic relations, and all references to the probate judge will be construed as references to the judges of the court of common pleas, division of domestic relations, (2) all pleadings, forms, journals, and other records filed or used in probate matters should be entitled "In the Court of Common Pleas, Domestic Relations Division," but they will not be defective if entitled "In the Probate Division" or "In the Probate Court," and (3) all references in law to the clerk of the probate court will be construed as references to the judge who is serving pursuant to Rule 4 of the Rules of Superintendence for the Courts of Ohio as the administrative judge of the court of common pleas, division of domestic relations. (R.C. 2101.01(B) and (C), 2301.02(C), and 2301.03(C).)

---

## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-26-05	p. 437
Reported, S. Judiciary on Civil Justice	05-10-05	pp. 488-489
Passed Senate (32-0)	05-10-05	p. 491
Reported, H. Judiciary	06-07-05	pp. 914-917
Passed House (95-0)	06-14-05	pp. 954-955
Senate refused to concur in House amendments (0-32)	06-15-05	pp. 864-865
House requested conference committee	06-21-05	p. 973
Senate acceded to request for conference committee	06-21-05	pp. 1276-1277
Senate agreed to conference committee report (30-1)	06-22-05	pp. 1315-1342
House agreed to conference committee report (91-0)	08-02-05	pp. 1544-1570

05-sb128-126.doc/kl

