
JUDICIARY/SUPREME COURT

Paying retired assigned judges

- Requires the Ohio Supreme Court to pay any compensation that is owed as specified under Ohio law to a retired assigned judge in a municipal or county court, and provides for the procedure to pay that compensation.

Judicial salary – Montgomery County

- Removes an obsolete requirement that Montgomery County pay the salaries of the part-time county court judges in excess of a specified amount during the, now-completed, transition from a part-time county court to a municipal court.

Prohibition against court action by nature or ecosystem

- Provides that nature or any ecosystem does not have standing to participate in or bring an action in a common pleas court.
- Prohibits any person, on behalf of nature or an ecosystem, from bringing, or intervening in, an action in such court.
- Prohibits any person from bringing an action against a person who is acting on behalf of nature or an ecosystem.

Jurisdiction over child custody or child support

- In provisions regarding the jurisdiction of juvenile courts over child support and custody matters, modifies certain provisions relating to the Summit County and Richland County Domestic Relations Divisions.
- Modifies provisions regarding juvenile court and domestic relations court jurisdiction over certain child support and custody matters.
- Clarifies, in provisions that take away juvenile court jurisdiction, the meaning of references to the parents not being married and to the subject child's sibling, that the matter at issue could be ancillary to a prior marriage termination action, and that the domestic relations court has jurisdiction when the juvenile court's is taken away.
- Specifies that the provisions in the preceding dot point apply to all cases initiated after March 22, 2019, and do not affect a juvenile court's authority to issue a support order related to another type of juvenile court proceeding.
- Modifies the transfer mechanism in provisions regarding a juvenile court's transfer of an action or order to a domestic relations court and specifies that the provisions apply to all orders in effect prior to, and all cases initiated on or after, March 22, 2019.
- Specifies that, when a child support enforcement agency is required to review a court-issued child support order after a juvenile court has granted custody of the child to an individual or entity other than as set forth in the court's order, the agency must take appropriate action, and any objections must be filed in the domestic relations court.

- Clarifies that a domestic relations court’s jurisdiction over “domestic relations matters” includes actions transferred or removed from a juvenile court under the provisions described above and over complaints for child support and custody.

Paying retired assigned judges

(R.C. 141.16, 1901.123, and 1907.143)

The act requires the Ohio Supreme Court, instead of a county treasurer, to pay any compensation to which an assigned retired municipal court or county court judge is entitled.

Annually on August 1, the Administrative Director of the Supreme Court must issue a billing, to the county treasurer of any county to which a retired judge was assigned to a municipal court or county court, for reimbursement of the county or local portion of the compensation previously paid by the state for the 12-month period preceding June 30. The county or local portion is that part of each per diem that is proportional to the county or local shares of the total compensation of a resident judge. The county treasurer must forward the payment within 30 days and then seek reimbursement from the local municipalities as appropriate.

Judicial salary – Montgomery County

(R.C. 141.04)

The act removes obsolete requirements concerning Montgomery County’s paying part of the salary costs for part-time judges of the Montgomery County Municipal Court, if they exceeded a certain amount. The court has fully transitioned from a part-time county court to a municipal court, and therefore the removed provisions no longer applied.

Prohibition against court action by nature or ecosystem

(R.C. 2305.011)

The act provides that “nature” or any “ecosystem” does not have standing to participate in or bring an action in any common pleas court. It prohibits any person:

- From bringing, or intervening in, an action in such court on behalf of or representing nature or an ecosystem;
- From bringing an action in such court against a person acting on behalf of or representing nature or an ecosystem.

The act defines “nature” as the phenomena of the physical world collectively, including plants, animals, the landscape, other earth features and products, the natural environment, and generally areas that are not human or human creations, have not been substantially altered by humans, or that persist despite human intervention. It defines “ecosystem” as a complex community of living organisms in conjunction with their physical environments, all interacting and linked together as a system through nutrient cycles and energy flows in a particular unit of space.

The act provides that its provisions must not be construed to prevent the state or any of its agencies from enforcing laws dealing with environmental pollution, conservation, wild animals, or other natural communities or ecosystems.

Jurisdiction over child custody or child support

Richland County, Summit County courts of common pleas

(R.C. 2151.23)

In law that generally grants juvenile courts exclusive jurisdiction to determine the custody of a child not a ward of another Ohio court, or to hear and determine a request for child support that is not ancillary to a specified type of domestic relations proceeding or to a criminal or civil domestic violence proceeding, the act adds an exception specifying that the grant is subject to other provisions regarding the Summit County Court of Common Pleas Domestic Relations Division's jurisdiction over child custody and support matters that are not subject to the exclusive jurisdiction of a juvenile court.

In law that grants juvenile courts original jurisdiction over child custody and support matters certified to the court after a divorce decree has been granted and over the case of a child certified to the court by any other court in specified circumstances, the act removes exceptions currently provided with respect to the Richland County Court of Common Pleas Juvenile Division and Domestic Relations Division.

The act does not change related provisions in the law specifying the jurisdiction of domestic relations divisions.

Juvenile court jurisdiction

Prohibition against juvenile court exercise of jurisdiction

(R.C. 2151.233 and 2151.234)

The act modifies several laws that prohibit a juvenile court from exercising jurisdiction in certain situations to determine custody or support for a child. Under the act, for all cases and proceedings initiated on or after March 22, 2019, subject to specified exceptions, a juvenile court may not exercise jurisdiction, and the domestic relations court has jurisdiction, to determine custody or support for a child, if either: (1) the child's parents are married to each other, (2) they were married to each other but no longer are and there is an existing custody or support order regarding the child or another child of the same parents over which the court does not have jurisdiction, or (3) the determination is ancillary to the parents' pending or prior action for divorce, dissolution, annulment, or legal separation. The exceptions provide that these provisions do not apply to any case or proceeding brought under R.C. Chapter 3115 (the Uniform Interstate Family Support Act (UIFSA), not in the act), or to any case or proceeding initiated outside of Ohio.

The provisions modified by the act as described above formerly: (1) did not include the statement that the domestic relations court has jurisdiction, (2) did not expressly state that the child's parents are married to each other, (3) stated that the child's parents are not married, instead of stating that the child's parents were married to each other but no longer are married

to each other, (4) referred to the child's sibling instead of to another child of the same parents, and (5) did not include the statement that the determination may be ancillary to a prior action, as well as a pending action.

The act modifies a law that pertains to the relationship of the prohibition against a juvenile court exercising jurisdiction in the situations described above and a different Juvenile Court Law provision that grants juvenile courts exclusive jurisdiction concerning an alleged delinquent, unruly, abused, neglected, or dependent child or juvenile traffic offender. Under the act, the prohibition against a juvenile court exercising jurisdiction, as modified by the act and described in the second preceding paragraph, does not affect a juvenile court's authority to issue a custody or support order under the other Juvenile Court Law provision or when granting custody of the child to a relative or placing the child under a kinship care agreement. Formerly, this provision did not include a reference to support orders, and it specified only that the prohibition did not affect a juvenile court's authority to issue a custody order related to the other type of juvenile court proceeding granting custody of the child to a relative or placing the child under a kinship care agreement.

The act defines "domestic relations court" for purposes of these provisions, and the provisions described below, as the division of a court of common pleas with domestic relations jurisdiction.

Juvenile court transfer of jurisdiction

(R.C. 2151.235)

Discretionary transfer

The act modifies law that permits a juvenile court to transfer jurisdiction over an action or order it has issued for child support or custody in specified situations. Under the act, upon its own motion, the motion of a court with domestic relations jurisdiction, or the motion of any interested party, a juvenile court may transfer jurisdiction over the action or order as follows: (1) to the appropriate common pleas court with domestic relations jurisdiction, if the child's parents are married to each other and are not parties to a proceeding described below in "**Mandatory transfer**," (2) to the appropriate common pleas court with domestic relations jurisdiction, if the parents were married to each other but no longer are and there is an existing order for custody or support regarding the child or another child of the same parents over which the juvenile court does not have jurisdiction, or (3) to the common pleas court exercising jurisdiction over a civil domestic violence protection order if that child or both parents are subject to both a child support order and the protection order. Any transfer made under this provision must require the consent of the appropriate court of common pleas with domestic relations jurisdiction.

The provisions modified by the act as described above formerly: (1) did not expressly state that the child's parents are married to each other, (2) stated that the child's parents are not married instead of stating that the child's parents were married to each other but no longer are, (3) referred to the child's sibling instead of to another child of the same parents, and (4) referred to parents of the child, instead of both parents, being subject to both a child support order and the protection order. Additionally, the provisions formerly included a fourth option,

repealed by the act (but see “**Mandatory transfer,**” below) – the fourth option was transfer to the common pleas court exercising jurisdiction over a pending divorce, marriage dissolution, legal separation, or annulment proceeding to which the parents of the child subject to the order were parties. Also, the provisions formerly seemed to require the transfer if one of the specified entities or parties made the motion, the court receiving jurisdiction consented to the transfer, and the juvenile court certified all or part of the record to the court receiving jurisdiction.

Mandatory transfer

Under the act, upon its own motion, the motion of a court with domestic relations jurisdiction, or the motion of any interested party, a juvenile court must transfer, and the domestic relations court must accept, jurisdiction over an action or an order it has issued for child support or custody to the appropriate common pleas court exercising jurisdiction over a pending divorce, dissolution of marriage, legal separation, or annulment proceeding to which the parents are parties. This provision is similar in some regards to the fourth option described above that the act repeals, but this provision clearly requires a transfer in the specified circumstances.

Procedure upon transfer

The act specifies duties for both the juvenile court and the domestic relations court involved in a discretionary or mandatory transfer under its provisions. In all such transferred cases:

1. The juvenile court must: (a) issue an order granting the request to transfer, (b) certify the relevant part of the record in the action or related to the order to the court receiving jurisdiction, unless the authorizing statute for the domestic and juvenile courts has combined them into a domestic relations division of the same court or designated them as a family court and the transfer would be within the court of the same county, and (c) notify and serve the county child support enforcement agency (CSEA) administering the case of all transfers in writing (the CSEA receiving notice of a transfer then must take appropriate action).

2. The domestic relations court receiving jurisdiction must: (a) issue an order accepting or denying the transfer, and (b) notify and serve the CSEA that is receiving the case or that would have received the case, in writing, of the order accepting or denying the transfer (the CSEA receiving notice of a transfer then must take appropriate action).

Special rules when transfer is due to pending proceeding in domestic relations court

Under the act, when the juvenile court action or order being transferred is due to a pending divorce, dissolution, legal separation, or annulment proceeding in a common pleas court with domestic relations jurisdiction:

1. The juvenile court and domestic relations court retain concurrent jurisdiction during the pendency of the action or order;

2. The transfer must be completed and included in final orders that are issued regarding child support or custody in the domestic relations action; and

3. If the domestic relations action is dismissed without final orders being issued regarding child support or custody, the transfer is not completed and the juvenile court action or order remains within the juvenile court's jurisdiction. The domestic relations court must notify the juvenile court, the CSEA in the county of the juvenile court, and the parties of the dismissed action.

Applicability of transfer provisions

The act specifies that the transfer provisions it modifies or enacts, as described above, apply to all orders in effect prior to March 22, 2019, and all actions or proceedings initiated on or after that date. Formerly, the transfer provisions applied to all orders in effect, and all actions or proceedings pending or initiated, on or after March 22, 2019.

Child Support Enforcement Agency notification and review

(R.C. 2151.236)

Under continuing law, if a child is subject to a support order issued by a domestic relations court and if a juvenile court adjudicates the child to be delinquent, unruly, abused, neglected, or dependent and grants custody to an individual or entity other than as set forth in the domestic relations court, the juvenile court must notify the domestic relations court and the CSEA serving the domestic relations court's county. Formerly, the CSEA then was required to review the child support order under specified provisions that generally govern its review of court child support orders. The act modifies the CSEA review provision to instead specify that the CSEA must review the child support order and take appropriate action; any objection to an administrative order issued as an appropriate action taken under the act's modification must be filed in the domestic relations court.

Certification to a juvenile court

(R.C. 3109.061)

The act extends the definition of "domestic relations court" that it enacts, described above in "**Prohibition against juvenile court exercise of jurisdiction,**" to a preexisting provision, unchanged by the act, that states that nothing in specified provisions concerning juvenile court jurisdiction, CSEA notification and review, and the designation of common pleas court domestic relations, juvenile, and probate duties is to be construed to prevent a domestic relations court from certifying a case to a juvenile court.

Domestic relations matters definition

(R.C. 3105.011)

The act modifies the preexisting definition of "domestic relations matters" that pertains to a provision relating to common pleas courts' (including domestic relations divisions') jurisdiction over domestic relations matters. Under the act, the term means: (1) any matter committed to the jurisdiction of domestic relations courts as designated in specified Ohio counties, as well as a complaint for child support and allocation of parental rights and responsibilities, including the enforcement and modification of such orders, (2) actions and proceedings under Ohio law governing divorce, spousal support, annulment, dissolution of

marriage; children; parentage; neglect, abandonment, or domestic violence; UIFSA; child support; and the Uniform Child Custody Jurisdiction and Enforcement Act, (3) actions pursuant to R.C. 2151.231 requesting a child support order, (4) actions removed from the jurisdiction of the juvenile court under R.C. 2151.233 as described above, and (5) all matters transferred by the juvenile court under R.C. 2151.235 as described above.

Formerly, the term meant: (1) any matter committed to the jurisdiction of domestic relations courts as designated in the specified Ohio counties, and (2) actions and proceedings under Ohio law governing divorce, spousal support, annulment, dissolution of marriage; children; parentage; neglect, abandonment, or domestic violence; UIFSA; child support; and the Uniform Child Custody Jurisdiction and Enforcement Act.