



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 648*
134th General Assembly

Bill Analysis

[Click here for H.B. 648's Fiscal Note](#)

Version: As Reported by House Civil Justice

Primary Sponsor: Rep. Pavliga

Aida S. Montano, Research Analyst

SUMMARY

Portage County Domestic Relations Court

- Generally expands the jurisdiction of the Division of Domestic Relations of the Portage County Court of Common Pleas to include, among others, proceedings involving parentage, child support, allocation of parental rights and responsibilities, and relief from paternity determinations.
- Excludes from the jurisdiction of a juvenile court, including the Juvenile Division of the Portage County Court of Common Pleas, certain proceedings that are included in the expanded jurisdiction of the Court's Division of Domestic Relations.

Abolition of East Liverpool Municipal Court

- Abolishes the East Liverpool Municipal Court, which has jurisdiction in East Liverpool and Liverpool and St. Clair townships in Columbiana County and in certain portions of the Ohio River, and abolishes its sole judgeship, to take effect on the bill's effective date.
- Removes the exception of East Liverpool and Liverpool and St. Clair townships from the current territorial jurisdiction of the Columbiana County Municipal Court, resulting in the Columbiana County Municipal Court having jurisdiction within Columbiana County.
- Specifies transition provisions, including the transfer of all causes, judgments, executions, and proceedings pending in the East Liverpool Municipal Court on the bill's effective date, to the Columbiana County Municipal Court.

* This analysis was prepared before the report of the House Civil Justice Committee appeared in the House Journal. Note that the legislative history may be incomplete.

Additional judge for Fairborn Municipal Court

- Adds one full-time judge to the Fairborn Municipal Court to be elected in 2023.

DETAILED ANALYSIS

Portage County Court of Common Pleas, Division of Domestic Relations

Expanded jurisdiction

Current law provides that the judge of the Portage County Court of Common Pleas, Division of Domestic Relations, must be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that for some special reason are assigned to some other judge of that court of common pleas.¹ The bill provides that the judge is also assigned all post-decree proceedings and matters arising from those cases.²

The bill expands current law by requiring that the judge of the Domestic Relations Division be assigned the following:³

- All cases arising under the Paternity and Parentage Law;
- All proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation;
- All proceedings arising under the Uniform Interstate Family Support Act;
- All proceedings arising from a motion for relief from a paternity determination or support order;
- All proceedings arising under the Uniform Child Custody Jurisdiction and Enforcement Act; and
- All post-decree proceedings and matters arising from the above cases and proceedings.

The bill excludes from the above cases and proceedings assigned to the judge of the Domestic Relations Division, cases that for some special reason are assigned to some other judge of the court of common pleas.⁴

¹ R.C. 2301.03(P).

² R.C. 2301.03(P).

³ R.C. 2301.03(P) and by reference to R.C. Chapters 3111, 3115, and 3127, and R.C. 3119.96 to 3119.967, not in the bill.

⁴ R.C. 2301.03(P).

Duties of Domestic Relations Division personnel

Current law provides that in addition to the statutory duties of the personnel of the Domestic Relations Division, their duties include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, and providing counseling and conciliation services that the Division makes available to persons, whether or not they are parties to an action pending in the Division, who request the services.⁵

The bill expands the duties of the Domestic Relations Division personnel to include the handling, servicing, and investigation of cases and proceedings described in the dot points above under “**Expanded jurisdiction,**” and providing counseling and conciliation services that the Division makes available to persons, whether or not they are parties to an action pending in the Division, who request the services.⁶

Exclusion from juvenile court jurisdiction

Under current law, the juvenile court has original jurisdiction as follows:⁷

- To determine the paternity of a child born out of wedlock under the Paternity and Parentage Law;
- Under the Uniform Interstate Family Support Act;
- To hear and determine applications for the support of a child not a ward of another court;
- To rescind an acknowledgment of paternity;
- In motions for relief from a paternity determination or support order;
- Regarding a power of attorney granted to a residential grandparent for the care and custody of a child, or a caretaker authorization affidavit;
- To enforce an order for the return of a child under the Hague Convention pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act;
- To grant any relief to enforce a child custody determination made by another state’s court and registered in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act.

Currently, under the above provision, the Juvenile Division of the Portage County Court of Common Pleas has original jurisdiction over the above proceedings. The bill excludes those

⁵ R.C. 2301.03(P).

⁶ R.C. 2301.03(P) and by reference to R.C. Chapters 3111, 3115, and 3127, and R.C. 3119.96 to 3119.967, not in the bill.

⁷ R.C. 2151.23(B)(2) to (9).

proceedings from the Juvenile Division's original jurisdiction, as they would come under the expanded jurisdiction of the Division of Domestic Relations.⁸

East Liverpool Municipal Court

Current law

Under the current Municipal Courts Law, a municipal court is established in the municipal corporation of East Liverpool, which is in Columbiana County. The East Liverpool Municipal Court has jurisdiction within East Liverpool and Liverpool and St. Clair townships, located in Columbiana County.⁹

The East Liverpool Municipal Court also has jurisdiction beyond the north or northwest shore of the Ohio River extending to the opposite shore line, between the extended boundary lines of any adjacent municipal or county courts. The East Liverpool Municipal Court has concurrent jurisdiction on the Ohio River with any adjacent municipal or county courts that border on that river and with any court of Kentucky or of West Virginia that borders on the Ohio River and has jurisdiction on the Ohio River under the law of Kentucky or of West Virginia, whichever is applicable, or under federal law.¹⁰

The East Liverpool Municipal Court has one full-time judgeship originally elected in 1953.¹¹ The current judge was elected in 2019.

The bill

The bill abolishes the East Liverpool Municipal Court, its territorial jurisdiction as described above, and its full-time judgeship.¹² It provides that the East Liverpool Municipal Court continues in operation until the bill's effective date, at which time that court will cease operations and its existence will terminate.¹³

Columbiana County Municipal Court

Under current law, a municipal court is established within Columbiana County in Lisbon or in any other municipal corporation or unincorporated territory within Columbiana County, except East Liverpool or Liverpool or St. Clair township, that is selected by the judges of the Columbiana County Municipal Court as a central location within the court's territorial jurisdiction pursuant to the provision allowing each judge of the court to sit within a specified municipal corporation until the judges jointly select a central location, at which time the judges

⁸ R.C. 2151.23(B).

⁹ R.C. 1901.01(A) and 1901.02(B).

¹⁰ R.C. 1901.027

¹¹ R.C. 1901.08.

¹² R.C. 1901.01(A), 1901.02(B), 1901.027, and 1901.08.

¹³ Section 3.

must sit at that location.¹⁴ The bill eliminates the above exception for East Liverpool or Liverpool or St. Clair township.¹⁵

Territorial jurisdiction

Current law provides that the Columbiana County Municipal Court has jurisdiction within all of Columbiana County except within East Liverpool and Liverpool and St. Clair townships.¹⁶ Due to the bill's abolition of the East Liverpool Municipal Court, the bill removes the exception of East Liverpool and Liverpool and St. Clair townships, and provides that the Columbiana County Municipal Court has jurisdiction within Columbiana County.¹⁷ The bill also removes the existing provision that the Columbiana County Municipal Court has jurisdiction within the municipal corporation or unincorporated territory in which it is established.¹⁸

Transition provisions

The bill requires that all causes, executions, and other proceedings pending in the East Liverpool Municipal Court on its effective date be transferred to and proceed in the Columbiana County Municipal Court on that effective date, as if originally instituted in the Columbiana County Municipal Court. The Clerk of the East Liverpool Municipal Court or other custodian must transfer to the Columbiana County Municipal Court all pleadings, orders, entries, dockets, bonds, papers, records, books, exhibits, files, moneys, property, and persons that belong to, are in the possession of, or are subject to the jurisdiction of the East Liverpool Municipal Court, or any officer of that court, at the close of business on the bill's effective date, and that pertain to those causes, judgments, executions, and proceedings.¹⁹

Additional judge for Fairborn Municipal Court

Under existing law, the Fairborn Municipal Court has one full-time judge. The bill adds a second full-time judge to be elected in 2023,²⁰ for a term beginning January 1, 2024.

The term of the current judge of the Fairborn Municipal Court, who was elected in 2019, expires on December 31, 2025. That judge or that judge's successor will be elected in 2025 for a term beginning on January 1, 2026.

¹⁴ R.C. 1901.01(C) and by reference to R.C. 1901.021(I), not in the bill.

¹⁵ R.C. 1901.01(C).

¹⁶ R.C. 1901.02(B).

¹⁷ R.C. 1901.02(B).

¹⁸ R.C. 1901.02(A).

¹⁹ Section 4.

²⁰ R.C. 1901.08.

HISTORY

Action	Date
Introduced	05-11-22
Reported, H. Civil Justice	--