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S.B. 312
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. McColley

Lisa Sandberg, Attorney

SUMMARY

- Creates a new Domestic Relations Division of the Hardin County Court of Common Pleas and provides that the existing General Division judge of that Court will be the judge of the Domestic Relations Division.
- Creates a new judgeship of the Hardin County Court of Common Pleas to be elected in 2026 term to begin February 9, 2027.
- Allocates the jurisdictional responsibilities of the second judge to the General Division and the Probate Division of the Hardin County Court of Common Pleas.

DETAILED ANALYSIS

Hardin County Court of Common Pleas

New judgeship

Currently, the Hardin County Court of Common Pleas has two judges, one general division judge and one probate judge. The probate judge was most recently elected in 2014 and that judge's successor will be elected in 2020, term to begin February 9, 2021. The general division judge was most recently elected in 2016 and that judge's successor will be elected in 2022, term to begin on January 1, 2023.¹

The bill creates a new judgeship with that judge to be elected in 2026, term to begin February 9, 2027.

¹ R.C. 2101.02, not in the bill and 2301.02(A).

Judge of Domestic Relations Division

Under the bill, the judge of the Hardin County Court of Common Pleas (hereafter Hardin County CCP) whose term begins on January 1, 2023, and successors, will have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the Hardin County CCP and will be elected and designated as the judge of the Court of Common Pleas, Division of Domestic Relations. The judge will have following powers and cases:²

- All of the powers relating to juvenile courts, and all cases under the Juvenile Court Laws;
- All parentage proceedings arising under the Parentage Law over which the juvenile court has jurisdiction;
- All divorce, dissolution of marriage, legal separation, and annulment cases;
- Civil protection orders issued for menacing by stalking involving any person and for domestic violence involving a family or household member;
- 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 post decree proceedings and matters arising from those cases and proceedings must be assigned to the judge of the Domestic Relations Division, except in cases that for some special reason are assigned to the second judge of the Hardin County CCP.³

Powers of probate judge relating to General Division

From January 1, 2023, through February 8, 2027, the probate judge of the Hardin County CCP will have all the powers relating to the General Division of the Hardin County CCP, will be the clerk of the probate court, and will exercise jurisdiction over matters that are within the jurisdiction of the General Division.⁴

Judge of General Division and Probate Division

The judge of the Hardin County CCP, General Division, whose term begins on February 9, 2027, and successors, will have assigned to the judge, in addition to all matters that are within the jurisdiction of the General Division all matters that are within the jurisdiction of the Probate Court under the Probate Law and other Revised Code provisions.⁵

² R.C. 2301.03(FF)(1) and by reference to R.C. Chapters 2151, 2152, 3111, and R.C. 2903.214 and 3113.31.

³ R.C. 2301.03(FF)(1).

⁴ R.C. 2101.027(A).

⁵ R.C. 2301.03(FF)(2).

The judge of the Hardin County CCP who is elected in 2026, and successors, is the successor to the judge of the Probate Division of the Hardin County CCP whose term expires February 8, 2027, will be designated as a judge of the Hardin County CCP, General Division, will have all the powers relating to the General_Division of the Hardin County CCP, will be the clerk of the Probate Court, and will exercise jurisdiction over matters that are within the jurisdiction of the Probate Division of that CCP under the Probate Law and other Revised Code provisions and all matters that are within the General Division of that Court, as set forth in preceding paragraph.⁶

Action	Date
Introduced	05-15-20

S0312-I-133/ts

⁶ R.C. 2101.027(B) and by reference to R.C. Chapter 2101.