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# OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 312  
133<sup>rd</sup> General Assembly

## Final Analysis

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**Version:** As Passed by the General Assembly

**Primary Sponsor:** Sen. McColley

**Effective date:** Emergency: January 9, 2021

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### SUMMARY

- Creates a new Domestic Relations Division of the Hardin County Court of Common Pleas and provides that the 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.
- Modifies the reimbursement for assigned municipal and county court judges.
- Requires the Columbiana County Prosecuting Attorney to prosecute in the municipal courts of Columbiana County all violations of Ohio law arising in East Liverpool, Liverpool Township, or St. Clair Township.

### DETAILED ANALYSIS

#### Hardin County Court of Common Pleas

##### New judgeship

Under continuing law, 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 was elected in 2020, six-year 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, six-year term to begin on January 1, 2023.<sup>1</sup>

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

### **Judge of Domestic Relations Division**

Under the act, the judge of the Hardin County Court of Common Pleas (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:<sup>2</sup>

- 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.<sup>3</sup>

### **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.<sup>4</sup>

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<sup>1</sup> R.C. 2101.02, not in the act and R.C. 2301.02(A).

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

<sup>3</sup> R.C. 2301.03(FF)(1).

<sup>4</sup> R.C. 2101.027(A).

## 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.<sup>5</sup>

The judge of the Hardin County CCP who is elected in 2026, and successors, is the successor to the judge of the Probate Division 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, 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 the preceding paragraph.<sup>6</sup>

## Reimbursement of assigned judges

The act requires the treasurer of the county in which a county-operated municipal court, other municipal court, or county court is located to pay the per diem compensation to which an assigned judge is entitled as a full-time judge or a sitting judge of the court of appeals or court of common pleas.<sup>7</sup> The act also requires the county treasurer, subject to reimbursement, to pay the per diem compensation to which an assigned judge is entitled as a part-time judge.<sup>8</sup>

The act modifies continuing law by providing that the treasurer of the county that is required to pay the *per diem* compensation to which an acting judge is entitled or *an assigned judge is entitled as a part-time judge* must submit to the Administrative Director of the Supreme Court quarterly requests for reimbursement of the *state portion* of the per diem amounts so paid. The requests must include verifications of the payment of those amounts and an affidavit from the acting judge or *assigned judge* stating the days and hours worked. The Administrative Director must cause reimbursement of the *state portion of the per diem* amounts paid to be issued to the county if the Administrative Director verifies those amounts were, in fact, paid.<sup>9</sup>

Continuing law requires the Ohio Supreme Court to pay any compensation to which an assigned municipal court or county court judge is entitled. The Administrative Director, annually on August 1, is required to issue a bill to the county treasurer of any county to which an assigned judge was assigned to a municipal court or county court for reimbursement of the

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<sup>5</sup> R.C. 2301.03(FF)(2).

<sup>6</sup> R.C. 2101.027(B) and by reference to R.C. Chapter 2101.

<sup>7</sup> R.C. 1901.123(A)(2) and 1907.143(A)(2).

<sup>8</sup> R.C. 1901.123(A)(3) and 1907.143(A)(3).

<sup>9</sup> R.C. 1901.123(B) and 1907.143(B).

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 of the compensation is that part of each per diem paid by the state which is proportional to the county or local shares of the total compensation of a resident judge. The act modifies this provision by stating that *if the* Ohio Supreme Court is required to pay the *per diem* compensation to which an assigned judge is entitled, annually, on August 1, the Administrative Director must issue a billing to the county treasurer of any county to which such judge was assigned to a municipal court or county court for reimbursement of the county or local portion of the *per diem* compensation previously paid by the *Supreme Court* for the 12-month period preceding June 30. The county or local portion of the *per diem* compensation is that part of each per diem paid by the state which is proportional to the county or local shares of the total compensation of a resident judge.<sup>10</sup>

### **Columbiana County prosecutor**

The act requires the Columbiana County Prosecuting Attorney to prosecute in the municipal courts of Columbiana County all violations of Ohio law arising in the county, including violations arising in East Liverpool, Liverpool Township, or St. Clair Township. Prior law did not permit the Columbiana County Prosecuting Attorney to prosecute violations of Ohio law arising in East Liverpool, Liverpool Township, or St. Clair Township.<sup>11</sup>

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## **HISTORY**

Action	Date
Introduced	05-15-20
Reported, S. Judiciary	09-23-20
Passed Senate (32-0)	11-18-20
Reported, H. Criminal Justice	12-14-20
Passed House (84-0)	12-17-20
Senate concurred in House amendments (29-0)	12-18-20

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<sup>10</sup> R.C. 1901.123(C) and 1907.143(C).

<sup>11</sup> R.C. 1901.34(B).