

IN THE COURT OF COMMON PLEAS, JUVENILE DIVISION, GEAUGA COUNTY, OHIO
Judge Timothy J. Grendell

Information Sheet
Jurisdiction of Ohio Juvenile Courts
[Child Custody Determination and Child-Support Order]

WARNING

This Information Sheet is intended to provide you with an overview of the subject matter, effective as of the date noted in the upper left-hand corner. This Information Sheet is not intended to provide you with all legal information that may be necessary for you to decide upon a course of action, and the information provided may not be error-free, complete, or accurate. Moreover, this Information Sheet may not accurately describe the cited sections of the Ohio Revised Code or cited case law. Finally, this Information Sheet is not intended as a substitute for legal advice from a competent licensed attorney, who is familiar with all of the relevant facts of your case, and therefore the Help Center recommends that you seek legal advice from a competent licensed attorney that you select before taking any action. While the Help Center can provide you with a limited amount of general legal information, neither the Help Center staff nor any other Court employee can give you any legal advice.

BACKGROUND

This information sheet deals with the fundamental legal issues regarding the jurisdiction (i.e., the “power to decide a case”)¹ of an Ohio juvenile court to determine issues and disputes concerning (i) child custody or parenting time (i.e., visitation rights for a noncustodial parent) and companionship time (i.e., visitation rights for a nonparent) and (ii) child-support obligations. The most fundamental rule for determining whether an Ohio juvenile court has jurisdiction to hear and decide a case before the court is that jurisdiction must be set forth either in the Ohio Constitution or a statute.² Ohio juvenile courts are a creation of the Ohio legislature.

The issues of whether a juvenile court has jurisdiction to determine child custody (including parental rights and companionship rights) and child support are complicated by the fact that more than one Ohio court and other states may have an interest in deciding those issues. Examples are:

- An unmarried couple has lived in Texas for five years, but as the result of domestic violence, the mother flees to Ohio with their two children, while the father remains in Texas. Should a Texas court or an Ohio court determine child custody or parenting time issues?
- Using the same fact pattern, a Texas court has previously issued a child-support order, but the father is in arrears. Can the mother file an action in an Ohio court to modify or enforce the Texas child-support order?

¹ See the definition of “jurisdiction” in Black’s Law Dictionary. Essentially, jurisdiction means the power and authority of a court to render a decision in a case brought before the court. The use of the word “jurisdiction” in this information sheet has the same meaning as “subject matter jurisdiction,” which is a phrase often used by judges in their orders or opinions.

² See *Rowell v. Smith*, 133 Ohio St.3d 288 (2012); and *Harrison v. ESTEP*, 1988 WL 105584 (11th App. Dist.)(1988)

- Again, using the same fact pattern, a Texas court previously awarded custody to the mother and parenting time to the father. Can an Ohio court modify the parenting time order of the Texas court (perhaps terminate the father's parenting time rights) when the father has committed an act of domestic violence?
- Suppose the Lake County Juvenile Court grants an unmarried mother legal custody of her children, the father moves Geauga County, and during a visitation, the father discovers that the mother has a drug addiction problem. Can that father seek a change of custody in Geauga County or must he do so in Lake County?

Because two state courts may issue conflicting orders regarding child custody or child support, and there is a need to avoid or minimize such conflicts, practically all states, including Ohio, have adopted what is known as (i) the "Uniform Child Custody Jurisdiction and Enforcement Act,"³ which deals with child custody and parenting time or companionship time issues and (ii) the "Uniform Interstate Family Support Act of 2008,"⁴ which deals with child-support issues.

In this information sheet we use the phrase "child custody determination" as defined in R.C. 3127.01(A)(3), which essentially means a court determination of not only child custody rights, but also "visitation" rights, which are now known as parenting time for a parent and companionship time for a nonparent (e.g., grandparent, aunt, uncle, etc.). Additionally, we use the phrase "child-support order" as defined in R.C. 3115.102(B), which means *a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country*. Finally, we use the legal word "jurisdiction" throughout this information sheet. You may substitute the words "power" or "authority" for the word "jurisdiction" if that makes more sense to you.

CHILD CUSTODY DETERMINATION ISSUES

1. **General Rule.** If an Ohio court has jurisdiction to make a child custody determination, then an Ohio juvenile court has the exclusive jurisdiction to do so if the parents are unmarried, as provided under R.C. 2151.23(A). Essentially, there are two types of child custody cases, known as a "Private Custody" case (i.e., R.C. 2151.23(A)(2)) and an "AN&D" case (i.e., R.C. 2151.23(A)(1)).
 - a. A "private custody" case is generally a case between unmarried parents asking a juvenile court to make an initial child custody determination or to modify an existing child custody determination.⁵ A private custody case could also involve rights of other family members (typically grandparents) regarding custody or companionship rights (i.e., "visitation" rights) of the nonparent.⁶
 - b. An "AN&D" case generally results from a complaint filed by the Geauga County Jobs and Family Services agency ("JFS") claiming that a minor child is abused, neglected, or dependent and thus JFS seeks a child custody determination.⁷ However, an "AN&D" case also may be filed by a private

³ In Ohio that is found in R.C. Chapter 3127

⁴ In Ohio that is found in R.C. Chapter 3115

⁵ The exclusive jurisdiction of an Ohio juvenile court in a private custody case is set forth in R.C. 2151.23(A)(2).

⁶ See the information sheet titled "Nonparent Rights" regarding the jurisdiction of an Ohio juvenile court to determine companionship rights of a nonparent (e.g., grandparents, other family members).

⁷ The exclusive jurisdiction of an Ohio juvenile court in a "JFS" case is set forth in R.C. 2151.23(A)(1) and R.C. 2151.27.

person (e.g., a grandparent, parent, aunt, etc.) if the child has been abused, neglected, or dependent.⁸

2. Married Parents.

a. General Rule. While there is an exception noted below, if an Ohio court may make a child custody determination (i.e., Ohio is the Home State), then generally, if the parents are married, an Ohio juvenile court cannot make an initial child custody determination.⁹ Rather, only an Ohio domestic relations court may make an initial child custody determination.

b. Exception – “AN&D” Case. If an “AN&D” case is filed under R.C. 2151.27 and R.C. 2151.23(A)(1), whether it is filed by JFS or a private person, including a parent or a married parent, then an Ohio juvenile court may make a child custody determination even if the parents are married.¹⁰ The AN&D case could be based upon the juvenile court determining that a child is: (1) abused, neglected, or dependent, or (2) a delinquent, unruly, or a traffic offender.

3. Concurrent Jurisdiction. If an Ohio Court has jurisdiction to make a child custody determination (i.e., Ohio is the Home State), whether an initial order or a modification, then, depending upon the facts, there are at least three courts that have jurisdiction to make an initial child custody order or modify a child custody order. Those three courts are (i) a juvenile court (typically if the parents are unmarried), (ii) domestic relations court (typically if the parents are married and seeking a divorce or dissolution), and (iii) probate court (if an adult is applying to be named guardian of the person of a minor). Those facts can cause a few problems and questions.

a. General Rule. If Ohio courts have jurisdiction and if two or more Ohio courts have concurrent jurisdiction to make a child custody determination or to issue a child-support order, then the general rule is that (1) the court where the legal proceeding is first properly initiated acquires the right to decide the case to the exclusion of any other Ohio court that has concurrent jurisdiction, and (2) the court that acquires jurisdiction retains jurisdiction for all purposes until the child reaches the age of majority.¹¹ Thus, for example, and except as noted in the next paragraph, if a married couple, with a child, was granted a divorce by the Lake County Domestic Relations Court and that domestic relations court granted custody to the mother, then the father, after moving to Geauga County, cannot subsequently file a complaint in the Geauga County Juvenile Court for a change of custody. That father must go back to the Lake County Domestic Relations Court and file a motion for a change of custody even though the couple is unmarried.

b. Exception – AN&D Case.

i. Abuse, Neglect, or Dependency. Generally, if a domestic relations court issues a child custody order, then a juvenile court cannot modify that child custody order. However, using the same example in the preceding paragraph, could the father file a complaint in this Court seeking custody of their child if he alleges that the mother has abused or neglected their child, or the child is dependent, or must the father go back to the Lake County Domestic Relations Court and file a motion for a change of custody? In other words, is the child “a ward of the Lake County court,” and thus this Court lacks jurisdiction to modify the Lake County order? Apparently, the Supreme Court of Ohio has determined that if the complaint filed with a juvenile court alleges

⁸ See R.C. 2151.27(A)(1) – “any person having knowledge of a child . . . may file a sworn complaint with respect to that child in the juvenile court of the county in which the child has a residence or legal settlement or in which the . . . abuse, neglect, or dependency allegedly occurred.”

⁹ See R.C. 2151.233(A)(1).

¹⁰ R.C. 2151.234.

¹¹ See *Heisler v. Heisler*, 2010-Ohio-98 (4th App. Dist. – Hocking Cty.); *State ex rel. Phillips v. Polcar* (1977), 50 Ohio St.2d 279.

abuse, neglect, or dependency, then that juvenile court has jurisdiction under R.C. 2151.23(A)(1) to make a child custody determination that conflicts with the Lake County Domestic Relations Court, despite the fact that the Lake County Domestic Relations Court already made a child custody determination and thus has “continuing” jurisdiction regarding child custody issues.¹²

- ii. Delinquency, Unruly, Traffic Offender. Likewise, if a domestic relations court issued a custody order, and later a child of that divorced couple was determined by a juvenile court to be a juvenile traffic offender, a delinquent, or unruly, then that juvenile court has jurisdiction to determine child custody, which in effect may modify a prior custody order of the domestic relations court.¹³

Of course, if a juvenile court modifies a child custody determination of a domestic relations court, then that juvenile court must use those standards for modification that are set forth in R.C. 3109.04.¹⁴ Moreover, when filing a complaint in juvenile court alleging abuse, neglect, or dependency, the complaint must set forth the specific Ohio Revised Code section or sections that support the allegations of abuse, neglect, or dependency. The juvenile information sheet titled “Nonparent Rights” provides detailed information.¹⁵ Finally, it appears that the “abuse, neglect, or dependency exception” only applies to a child custody determination and not a child support order. In other words, using the above example, if the Lake County Domestic Relations Court also issued a child-support order, then that court has continuing jurisdiction for future modifications of its child support order and the Geauga County Juvenile Court cannot modify that order.¹⁶

- c. Exception - Supremacy of Probate Court - Guardianship. Suppose, for example, that (i) mother and father are unmarried and have a minor child, (ii) father’s whereabouts are unknown, and (iii) mother has become a drug addict and is neglecting the children. The maternal grandmother may want custody of the minor. She has two choices. She could (i) file an application in probate court to be appointed guardian of the person of the minor (and perhaps guardian of the person of the mother), or (ii) file a complaint with juvenile court for legal custody of the minor. Both courts have jurisdiction to decide the matter. Assume that the grandmother elects to file an application in probate court to be appointed guardian of the person of the minor. If at a later time the mother, after significant treatment and counseling, wants custody of the minor, can she file a complaint in juvenile court to obtain custody of her child? It appears that her only option is to file an application with the probate court to have the guardianship terminated. R.C. 2151.23(A)(2) provides that an Ohio juvenile court has jurisdiction to make a child custody determination so long as the child is not “a ward of another court of this state.” In this example, the child is a ward of the probate court and thus until that guardianship is terminated, the probate court has sole jurisdiction to make or amend a child custody determination and juvenile court has no jurisdiction.¹⁷ If the maternal grandmother was appointed the guardian of the person of the minor by the probate court and later decides to seek a custody order from the juvenile court, that grandmother must first request that the probate court terminate that guardianship.

¹² See *In re Poling*, 64 Ohio St3d 211 (1992); *In re Hope Sunnycalb* (1998), 1998 WL 372384 (12th App. Dist.).

¹³ See *Heisler v. Heisler*, 2010-Ohio-98 (4th App. Dist. – Hocking Cty.)

¹⁴ *In re Jedidiah Cranford* (1998), 1998 WL 716665 (4th App. Dist.)

¹⁵ See Rule 10(B) of the Ohio Rule of Juvenile Procedure and *State ex rel Swanson v. Hague*, 2010-Ohio 4200 (11th App. Dist.)

¹⁶ See *Heisler v. Heisler*, 2010-Ohio-98 (4th App. Dist. – Hocking Cty.)

¹⁷ See *In re I.B.*, 2015-Ohio-4181 (8th App. Dist.); *In re Poling*, 64 Ohio St3d 211 (1992); and *In Re Miller*, 33 Ohio App.3d 224 (1986) (8th App. Dist. – Cuyahoga Cty.)

4. The Uniform Child Custody Jurisdiction and Enforcement Act. Please note that the preceding discussion assumed that an Ohio court has jurisdiction to make an initial child custody determination or to modify an existing child custody determination. R.C. Chapter 3127 sets forth on what basis does any Ohio court have jurisdiction to make a child custody determination.

a. Jurisdiction for Initial Child Custody Determination.¹⁸

i. “Home State” Definition.¹⁹ In order to understand whether any Ohio court has jurisdiction to make an initial child custody determination or to modify an existing child custody determination, you must understand the meaning of the phrase “Home State.” A state is the “Home State” of a minor child if:

- (1) the (Home) state is where a child lived with a parent or a person acting as a parent for at least six consecutive months immediately preceding the commencement of a child custody proceeding and,
- (2) if a child is less than six months old, then the (Home) state is where the child lived from birth with any of them (i.e., a parent or other custodial person).
- (3) **Note that** a period of temporary absence of any of them from the (Home) state is counted as part of the six-month or other period.

ii. Jurisdictional Basis for Filing for a Child Custody Determination. The Help Center recommends that you read R.C. 3127.15. The following is merely a summary of that provision. If (i) no other state has made a child custody determination or (ii) no legal proceeding exists in a state to make a child custody determination, then an Ohio court has the jurisdiction to make an initial child custody determination only if one of the following circumstances exists:

- (1) Ohio is the Home State on the date a complaint is filed for an initial child custody determination or was the Home State within six months before the date that such complaint was filed, and a parent (or custodial person) continues to live in Ohio.²⁰
- (2) No other state is the Home State, or another state that is the Home State has declined to exercise jurisdiction on the basis that Ohio is the best state to make an initial child custody determination.
- (3) All states who have jurisdiction on the basis of the preceding two sentences have declined to exercise jurisdiction on the basis that Ohio is the best state to make an initial child custody determination.
- (4) No state has jurisdiction on the basis of the preceding three sentences.

b. Continuing Jurisdiction.²¹ With one exception, regarding an emergency, as explained below in Sub-section 4(d), once a court, which has jurisdiction as explained above in Sub-section 4(a)(ii), makes a child custody determination, then that court has continuing jurisdiction regarding that child custody determination until both the child and the child’s parents (including a custodial person) no longer reside in that state. For example, assume an unmarried couple lives in North Carolina for three years and has a two-year old child. The couple separates and a North Carolina court makes

¹⁸ See generally R.C. 2151.23.

¹⁹ See R.C. 3127.01(B)(7).

²⁰ See *Rosen v. Celebrezze*, 117 Ohio St.3d 241, 2008-Ohio-853 (2008); *In re H.P.*, 2015-Ohio-1309 (8th App. Dist. – Cuyahoga Cty.)

²¹ R.C. 3127.16

a child custody determination. Afterward, the mother takes the child and moves to Ohio. Absent an emergency, an Ohio court has no jurisdiction to make any child custody determination no matter how long that mother and child reside in Ohio.

- c. Modification of Another State’s Child Custody Determination.²² Again, excepting the emergency situation, an Ohio court may not modify a child custody determination made by another state court, no matter how long a child or parent resides in Ohio, unless:
- i. That state court determines that (i) it no longer has continuing jurisdiction as explained above, or (ii) an Ohio court is more suitable to make a modification; or
 - ii. That state court or an Ohio court determines that the child and both parents no longer reside in that state.
- d. Temporary Emergency Jurisdiction.²³ The concept of temporary emergency jurisdiction is fully explained in another juvenile information sheet titled “Temporary Emergency Jurisdiction.” However, we will summarize it. Even if Ohio does not have jurisdiction to (i) make an initial child custody determination or (ii) modify a child custody determination made by another state, Ohio may **temporarily** make an initial child custody determination or modify a child custody determination of another state if there is an **emergency** situation in order to protect a child because of actual or threatened mistreatment or abuse of the child, a sibling, or a parent, and the child is present in Ohio.
- i. Common Factors.²⁴ In any case, the Ohio court must first make either of the following findings:
 - (1) Emergency. An **emergency** exists that is an actual or threatened mistreatment or abuse of the child, a sibling, or parent of the child; **OR**
 - (2) Abandonment. The child is **abandoned**.
 - ii. No Action by Child’s Home State.²⁵ If (i) Ohio is not the child’s Home State, and (ii) the child’s Home State has not made an initial child custody determination or no legal proceed exists in the child’s Home State regarding a child custody determination, then an Ohio court may make a “temporary” child custody determination.
 - (1) The Ohio court may issue an emergency order based upon an “ex parte” hearing, meaning that the emergency order is issued solely on the basis of the Ohio litigant’s pleading without all other necessary parties being present or notified.
 - (2) That Ohio emergency order need not be limited in time and remains effective unless a legal proceeding is commenced in the child’s Home State.
 - (3) When Ohio becomes the child’s Home State and no legal proceeding was commenced in the child’s Home State, then the Ohio temporary child support determination may become permanent.

²² R.C. 3127.17

²³ R.C. 3127.18

²⁴ R.C. 3127.18(A)

²⁵ R.C. 3127.18(B)

- iii. Action by Child's Home State.²⁶ If (i) Ohio is not the child's Home State, and (ii) the child's Home State has made of child custody determination or a legal proceeding exists in the child's Home State regarding a child custody determination, then, if a temporary emergency exists, an Ohio court may make a "temporary" child custody determination.
 - (1) The Ohio court may issue an emergency order based upon an "ex parte" hearing, meaning that the emergency order is issued solely on the basis of the Ohio litigant's pleading without all other necessary parties being present or notified.
 - (2) That Ohio emergency order must be limited in time, with the time period being sufficient to allow the Ohio litigant to obtain a court order in the child's Home State (typically 30 days in duration).
 - (3) The Ohio judge issuing the emergency order must promptly contact the applicable Home State judge to resolve the emergency, protect the safety of the child, and determine the duration of the Ohio emergency order.
 - (4) The Ohio emergency order expires upon the earlier of (i) the time period specified in the Ohio emergency order, or (ii) the Home State making a new child custody determination.

e. Temporary Enforcement Jurisdiction.²⁷

- i. General Rule. If (i) an Ohio court does not have jurisdiction to modify a child custody determination of the child's Home State court and (ii) there is no "emergency," nonetheless an Ohio court has jurisdiction to issue a "temporary" order enforcing a parenting time order or other visitation order of the child's Home State court.
- ii. Nonspecific Order. If the child's Home State court makes a child custody determination, but that order does not provide for a specific parenting time, then an Ohio court may enforce that order, but the Ohio enforcement order shall specify in the Ohio order a period that the Ohio court considers adequate to allow the petitioner to obtain an order from the child's Home State court, and that Ohio order shall remain in effect until an order is obtained from the child's Home State court or until the period expires.

CHILD SUPPORT ISSUES

- 1. General Rule. Assuming that an Ohio court has jurisdiction to issue a "child-support order,"²⁸ an Ohio juvenile court has "exclusive" jurisdiction to do so if the parents are unmarried, as provided under R.C. 2151.23(A)(11) and 2151.231.²⁹ Not only may a parent seek a child-support order, but so may a legal custodian, guardian, or person with whom a child resides. Whether any Ohio court has jurisdiction to issue a child-support order is explained below. Regarding the determination and issuing of a child-

²⁶ R.C. 3127.18(C) and (D)

²⁷ R.C. 3127.34

²⁸ See R.C. 3115.102(B) - "Child-support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country. R.C. 3115.102(BB) – ""Support order" means a judgment, decree, order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement for financial assistance provided to an individual obligee in place of child support. Support order may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief."

²⁹ R.C. 2151.231 – "The parent, guardian, or custodian of a child, the person with whom a child resides, or the child support enforcement agency of the county in which the child, parent, guardian, or custodian of the child resides may bring an action in a juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code under this section requesting the court to issue an order requiring a parent of the child to pay an amount for the support of the child without regard to the marital status of the child's parents."

support order by an Ohio juvenile court, please review the juvenile information sheet titled "Child Support," which can be downloaded from the Court's website. It should be noted that the Geauga County Jobs and Family Services also has statutory authority to issue a child-support order for a custodial parent, but not for a nonparent (with a few exceptions).

2. Paternity. Before an Ohio court can issue a child-support order against a father, the father-child relationship (i.e., paternity) must be established. In most cases paternity of a father is established on the child's birth certificate. If the father is not noted on the birth certificate, then paternity can be established by (1) signing an Acknowledgment of Paternity Affidavit, (2) court order, or (3) administrative determination by Job & Family Services. For more information, please review the juvenile information sheet titled "Determining Paternity."
3. The Uniform Interstate Family Support Act of 2008 ("UIFSA"). Ohio has adopted The Uniform Interstate Family Support Act of 2008 as set forth in R.C. Chapter 3115. Similar to The Uniform Child Custody Jurisdiction and Enforcement Act, which deals with child custody matters, a primary purpose of The Uniform Interstate Family Support Act of 2008 is to minimize conflicts and confusion arising from more than one state (or perhaps a foreign country) issuing a child-support order for the same child. The primary purpose of UIFSA is to have only one child-support order and avoid multiple child-support orders among sister states.

a. Jurisdiction to Issue Initial Child-Support Order.

- i. Home State Definition. Again, in order to understand whether any Ohio court has jurisdiction to issue an initial child-support order or to modify an existing child-support order, you must understand the meaning of the phrase "Home State" as used in R.C. Chapter 3115.
 1. *"Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.*³⁰
- ii. Previous Child-Support Order by Another State.³¹ Generally, if another state has issued a child-support order, then an Ohio court does not have jurisdiction to issue its own child-support order, but rather must recognize the child-support order of the sister state. The applicable rules are complex, and thus the Help Center recommends obtaining advice from legal counsel or a consultation with the Child Support Enforcement Division of Geauga County Job & Family Services, whose phone number is 440-285-9141.
- iii. Simultaneous Proceedings.³² If a legal proceeding to determine a child-support order is commenced in an Ohio court, and there is also a similar proceeding in a sister state, the manner of determining which state has jurisdiction is complex, and thus the Help Center recommends obtaining advice from legal counsel or a consultation with the Child Support Enforcement Division of Geauga County Job & Family Services, whose phone number is 440-285-9141. A careful review of R.C. 3115.204 is critical. The primary focus is which state is the "Home State" of the child, but the law requires cooperation between the two states.

³⁰ R.C. 3115.102(H)

³¹ R.C. 3115.207

³² R.C. 3115.204

- b. Registration.³³ If an obligee (i.e., the person who is owed money) wants to enforce in an Ohio court a child-support order of a sister state, or if an obligor (i.e., the person who owes money) or an obligee wants an Ohio court to modify a child-support order of a sister state, then the person requesting the Ohio court to do so must have “registered” the child-support order of the sister state in Ohio according to Ohio law. Likewise, if an obligee wants to enforce an Ohio child-support order in a sister state, or if an obligor or the obligee wants a sister state to modify an Ohio court child-support order, then the person requesting the sister state to do so must have registered the Ohio child-support order in the sister state in accordance with its law. In addition to registration, the other party must receive a notice of registration in compliance with R.C. 3115.605, and upon receipt of that notice, the other party may object to the “registration” of the child-support order as permitted by R.C. 3115.606. The process of “registration,” “notice of registration,” and “objection” is complex, and thus the Help Center recommends obtaining advice from legal counsel or a consultation with the Child Support Enforcement Division of Geauga County Job & Family Services, whose phone number is 440-285-9141. A careful review of R.C. 3115.601 through R.C. 3115.608 is critical.
- c. Modification.³⁴ Except in very narrowly defined circumstances, a primary purpose of UIFSA is to establish that the court that initially issues a child-support order has exclusive jurisdiction to make modifications to that order as long as one of the parties or the child continue to reside in the issuing state, or the parties do not agree otherwise. Thus, if a sister state has issued a child-support order, then that state has continuing jurisdiction over that issue and an Ohio court must abide by that order and may not modify the sister state’s child-support order.³⁵ Likewise, if an Ohio court has issued a child-support order, then that Ohio court has continuing jurisdiction over that issue and all sister states must abide by that order and may not modify the Ohio court’s child-support order. However, in some cases, the application of the law in this area is complex, and thus the Help Center recommends obtaining advice from legal counsel or a consultation with the Child Support Enforcement Division of Geauga County Job & Family Services, whose phone number is 440-285-9141 if a modification involves two or more states. A careful review of R.C. 3115.601 through R.C. 3115.616 is required.
- i. Two Exceptions.³⁶
1. R.C. 3115.613(A). If all of the parties in the initial child-support case in a sister state now reside in Ohio, and the child does not reside in the issuing sister state, then an Ohio court has jurisdiction to enforce and modify the initial child-support order of the sister state in a proceeding to register that order.
 2. R.C. 3115.611. If the initial child-support order of a sister state is registered in Ohio and R.C. 3115.613 does not apply, then an Ohio court may modify the initial child-support order of a sister state if either of the following apply:
 - a. Neither the child, the obligee, nor the obligor resides in the issuing sister state; the petitioner who is a nonresident of Ohio seeks modification; and the respondent is subject to the personal jurisdiction of Ohio; OR

³³ R.C. 3115.601 through R.C. 3115.608

³⁴ R.C. 3115.205

³⁵ R.C. 3115.205(C)

³⁶ R.C. 3115.611

- b. Ohio is the residence of the child, or a party who is an individual is subject to the personal jurisdiction of Ohio, and all of the parties who are individuals have filed consents in a record in the issuing sister state or in an Ohio court to modify the support order and assume continuing, exclusive jurisdiction.
- d. Enforcement.³⁷ A sister state has jurisdiction to enforce an Ohio child-support order that is registered (see above) with the sister state if the obligor resides in the sister state. Likewise, an Ohio court has jurisdiction to enforce a sister state child-support order that is registered (see above) with the Ohio court if the obligor resides in Ohio. Again, the requirements of registration and notice of registration, explained above, must be completed before commencing an enforcement action. Once again, the law of enforcement is complex, and thus the Help Center recommends obtaining advice from legal counsel or a consultation with the Child Support Enforcement Division of Geauga County Job & Family Services, whose phone number is 440-285-9141 if enforcement of a child-support order involves two or more states. A careful review of R.C. 3115.601 through R.C. 3115.608 is required.

VENUE

1. General Rule.³⁸ Once it is determined that (i) an Ohio court has jurisdiction to make an initial child custody determination or to issue an initial child-support order and (ii) an Ohio juvenile court has jurisdiction, the final question is what Ohio county is the proper county to file a complaint regarding those matters – i.e., what is the proper Ohio county where a hearing should take place. The answer to that question depends upon the nature of the complaint. Ohio has two different venue provisions.
 - a. Abuse, Neglect, or Dependency Proceeding.³⁹ If the complaint alleges the abuse, neglect, or dependency of a child, then the complaint must be filed the county in which the child has a residence or legal settlement, or in which the violation, unruliness, abuse, neglect, or dependency occurred.
 - b. Private Custody or other Legal Proceedings.⁴⁰ If the complaint does not allege abuse, neglect, or dependency of a child (typically a person is seeking a custody order, parenting time, or companionship time), then the complaint must be filed the county in which the child who is the subject of the complaint is found or was last known to be found. That is not necessarily the county of the child's residence. It must be noted, however, that if a complaint is filed in a county other than the county of the child residence, then the court where the complaint is filed may transfer the legal proceeding to the county of the child's residence.⁴¹
2. Transfer to Another County.⁴² Again, if an Ohio juvenile court has made a child custody determination or issued a child-support order, then that juvenile court has continuing jurisdiction until the child reaches the age of majority. However, if the child later resides in another county, then Rule 11(A)⁴³ provides that the initial juvenile court may transfer that case to the juvenile court of the child's residence. Likewise, if this Court has made a child custody determination or issued a child-support order, and if the case should be transferred to another county, then Rule 11(A)⁴⁴ permits this Court to transfer the

³⁷ R.C. 3115.603

³⁸ Venue has been defined as - "In general, a place or location in which something takes place. The proper place to hold a civil or criminal trial, usually because important related events have taken place there." - <https://www.law.cornell.edu/wex/venue>

³⁹ R.C. 2151.23(A)(1). The Court typically refers to a complaint filed under this statute as a "JFS Case."

⁴⁰ R.C. 2151.23(A)(2). The Court typically refers to a complaint filed under this statute as a "Private Custody Case."

⁴¹ See R.C. 2151.271

⁴² Rule 11 of the Ohio Rules of Juvenile Procedure

⁴³ Rule 11 of the Ohio Rules of Juvenile Procedure

⁴⁴ Rule 11(A) of the Ohio Rules of Juvenile Procedure

case to another juvenile court. If a legal proceeding is pending in a juvenile court and the “interests of justice” indicate that the legal proceeding should be transferred to another juvenile court, nevertheless, the juvenile court where the proceeding is pending shall conduct the adjudicatory hearing before a transfer to the other juvenile court.⁴⁵ If there are simultaneous legal proceedings in two juvenile courts, then the juvenile court where the child is not residing shall transfer its legal proceeding to the juvenile court of the child’s residence.⁴⁶

LEGAL PRACTICE IN THE JUVENILE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO AND INDIVIDUALS WHO ARE HANDLING THEIR OWN LEGAL MATTERS. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND THE DESIRE TO AVOID COSTLY ERRORS, MANY PERSONS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.

IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT’S FORMS, BE AWARE THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE, AND EMPLOYEES OF THE GEAUGA COUNTY JUVENILE COURT, INCLUDING THE HELP CENTER STAFF, FROM PROVIDING YOU WITH LEGAL ADVICE. IF YOU NEED LEGAL ADVICE, THEN YOU SHOULD CONTACT AN ATTORNEY OF YOUR CHOOSING.

⁴⁵ Rule 11(C) of the Ohio Rules of Juvenile Procedure

⁴⁶ Rule 11(B) of the Ohio Rules of Juvenile Procedure