

January 24, 2005

The Honorable D. Michael Haddox
Muskingum County Prosecuting Attorney
P.O. Box 189
27 North Fifth Street, Suite 201
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SYLLABUS:

2005-003

Pursuant to R.C. 2151.23(A), the Probate and Juvenile Division of the Muskingum County Court of Common Pleas has exclusive original jurisdiction to issue orders of support in cases brought under R.C. 2151.27 to R.C. 2151.331, including orders complying with R.C. 2151.33(B)(2)(a). The language of R.C. 2301.03(AA) establishing the powers and duties of the judge of the Domestic Relations Division of the Muskingum County Court of Common Pleas does not modify or restrict the exclusive original jurisdiction of the juvenile court in this regard.



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OPINION NO. 2005-003

The Honorable D. Michael Haddox
Muskingum County Prosecuting Attorney
P.O. Box 189
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Zanesville, Ohio 43702-0189

Dear Prosecutor Haddox:

We have received your request for an opinion concerning the jurisdiction of various divisions of the Muskingum County Court of Common Pleas with regard to the issuance of orders requiring the payment of child support in cases brought under R.C. 2151.27 to R.C. 2151.331, concerning especially cases that deal with abused, neglected, or dependent children and their placement in shelter care. *See, e.g.*, R.C. 2151.27; R.C. 2151.31; R.C. 2151.314; R.C. 2151.33. You have asked whether the division of domestic relations or the juvenile court has exclusive jurisdiction to issue orders of child support in cases brought under R.C. 2151.27 to R.C. 2151.331. For the reasons that follow, we conclude that, pursuant to R.C. 2151.23(A), the Probate and Juvenile Division of the Muskingum County Court of Common Pleas has exclusive original jurisdiction to issue orders of support in cases brought under R.C. 2151.27 to R.C. 2151.331, including orders complying with R.C. 2151.33(B)(2)(a), and the language of R.C. 2301.03(AA) establishing the powers and duties of the judge of the Domestic Relations Division of the Muskingum Court of Common Pleas does not modify or restrict the exclusive original jurisdiction of the juvenile court in this regard.

Muskingum County Court of Common Pleas

To address your question, it is helpful first to outline the organization of the Muskingum County Court of Common Pleas. Pursuant to R.C. 2301.02(B), the Muskingum County Court of Common Pleas has three judges. The position created most recently is that of a judge elected in 2002, with a term beginning January 2, 2003. R.C. 2301.02(B). Pursuant to R.C. 2301.03(AA), this judge is designated as the judge of the division of domestic relations. One of the other

judges is judge of the probate and juvenile division.¹ The remaining judge serves the general division.

The statute that creates the position of judge of the Muskingum County Court of Common Pleas, Division of Domestic Relations and establishes the judge's authority was recently amended. That statute now states, in part: "The judge shall be assigned ... all proceedings involving child support, ... except in cases that for some special reason are assigned to another judge of the court of common pleas." R.C. 2301.03; *see* Sub. H.B. 38, 125th Gen. A. (2004) (eff. June 17, 2004).

Statutory provisions establishing the jurisdiction of the juvenile court similarly give that court authority to issue child support orders. In particular, R.C. 2151.23 grants the juvenile court exclusive original jurisdiction concerning any child alleged to be an abused, neglected, or dependent child. R.C. 2151.23(A)(1). Prior to the final disposition of certain cases involving an alleged or adjudicated abused, neglected, or dependent child, the juvenile court is mandated to

¹ Pursuant to Ohio Const. art. IV, § 4(A), "[t]here shall be a court of common pleas and such divisions thereof as may be established by law." Unless otherwise provided by law, there shall be a probate division, and judges shall be elected specifically to the probate division and to the other divisions provided by law. Ohio Const. art. IV, § 4(C). Judges of the common pleas courts have "such power and jurisdiction ... as may be directed by law." Ohio Const. art. IV, § 18. Thus, the General Assembly is empowered to establish the divisions of the courts of common pleas and their respective jurisdictions. *See Walters v. Johnson*, No. 01CA107, 2002-Ohio-2855, ¶13 (Ct. App. Licking County May 13, 2002).

R.C. 2101.01 provides that "[a] probate division of the court of common pleas shall be held at the county seat in each county." The probate judge is the judge of the court of common pleas who is the judge of the probate division. R.C. 2101.01. In Muskingum County that judge is elected pursuant to R.C. 2101.02. *See* R.C. 2301.02 (final paragraph).

In each county, there may be a separately created juvenile court, or a division of the court of common pleas may be specified as having jurisdiction under R.C. Chapters 2151 and 2152 or as being the juvenile division or the juvenile division combined with one or more other divisions. In the absence of these circumstances, the probate division of the court of common pleas is the juvenile court. R.C. 2151.011(A); *see also* 1995 Op. Att'y Gen. No. 95-026; 1995 Op. Att'y Gen. No. 95-013. *See generally* 2000 Op. Att'y Gen. No. 2000-041. The latter situation prevails in Muskingum County. The probate division thus serves as the juvenile court and may be referred to as the Probate and Juvenile, Probate/Juvenile, or Probate-Juvenile Division of the Muskingum County Court of Common Pleas.

issue an order pursuant to R.C. Chapters 3119 to 3125² “requiring the parents, guardian, or person charged with the child’s support to pay support for the child.” R.C. 2151.33(B)(2)(a).

The interaction between these statutes is not clear. *See generally Walters v. Johnson*, No. 01CA107, 2002-Ohio-2855, ¶17 (Ct. App. Licking County May 13, 2002) (“the Ohio General Assembly was not consistent in its enabling legislation and tailored the jurisdictions of the domestic relations and juvenile courts to the needs and/or desires of the specific county”). Therefore, with regard to the Muskingum County Court of Common Pleas, you have asked whether either the division of domestic relations or the juvenile court has exclusive jurisdiction to issue orders of support in cases brought under R.C. 2151.27 to R.C. 2151.331.

**Jurisdiction of the Muskingum County Court of Common Pleas,
Division of Domestic Relations**

The current provisions establishing the authority of the judge of the Division of Domestic Relations of the Muskingum County Court of Common Pleas state:

(AA) In Muskingum county, the judge of the court of common pleas whose term begins on January 2, 2003, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Muskingum county and shall be elected and designated as the *judge of the court of common pleas, division of domestic relations*. *The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code [concerning the establishment of the parent and child relationship], 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, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas.* The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and

² R.C. Chapters 3119 to 3125 set forth standards and procedures governing the establishment and enforcement of child support obligations.

responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

R.C. 2301.03(AA) (emphasis added); *see* Sub. H.B. 38, 125th Gen. A. (2004) (eff. June 17, 2004).

In adopting this most recent amendment to R.C. 2301.03(AA), the General Assembly declared that its intent “is to clarify the jurisdiction and the administration of the Division of Domestic Relations of the Muskingum County Court of Common Pleas, that it does not believe that the amendments so made to that division are substantive in nature, and that it believes that the version of that division resulting from this act is substantively the same as the version of that division in existence immediately prior to the effective date of this act.” Sub. H.B. 38, 125th Gen. A. (2004) (eff. June 17, 2004) (section 7, uncodified). Therefore, in construing the current provisions of R.C. 2301.03(AA), it is helpful to look also at the immediately preceding version of R.C. 2301.03(AA), which stated:

(AA) In Muskingum county, the judge of the court of common pleas whose term begins on January 2, 2003, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Muskingum county and shall be elected and designated as the *judge of the court of common pleas, division of domestic relations*. The judge shall be assigned and hear all divorce, dissolution of marriage, legal separation, and annulment cases and all proceedings under the uniform interstate family support act contained in Chapter 3115. of the Revised Code. *Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge shall be assigned and hear all cases pertaining to paternity, visitation, 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, and all post-decree proceedings arising from any case pertaining to any of those matters.*

Sub. H.B. 393, 124th Gen. A. (2002) (eff. July 5, 2002) (*inter alia*, amending R.C. 2301.03(AA)) (emphasis added).

It is instructive to note that the language that initially created the third judgeship in the Muskingum County Court of Common Pleas designated that judge as the judge of the court of common pleas, division of domestic relations, and also stated that the judge “shall have all of the powers relating to juvenile courts and shall be assigned all cases under Chapter 2151. or 2152. of the Revised Code,” along with various other matters. Sub. H.B. 11, 124th Gen. A. (2001) (eff.

Oct. 31, 2001).³ This initial version, which preceded both Sub. H.B. 393 and Sub. H.B. 38, expressly gave the domestic relations judge the powers relating to juvenile courts and provided for that judge to be assigned all cases under R.C. Chapters 2151 and 2152, including the cases with which you are concerned (namely, cases arising under R.C. 2151.27 to R.C. 2151.331). Before a judge could be elected to that position, however, the General Assembly amended the domestic relations judge's powers, taking away the powers relating to juvenile courts and cases under R.C. Chapters 2151 and 2152. Sub. H.B. 393, 124th Gen. A. (2002) (eff. July 5, 2002). The General Assembly retained the language giving the domestic relations judge responsibility for hearing all cases pertaining to child support, but prefaced that language with the limitation: "[e]xcept in cases that are subject to the exclusive original jurisdiction of the juvenile court." *Id.*

The operation of the amendment enacted by Sub. H.B. 393 was described by the Legislative Service Commission as follows:

The act eliminates the jurisdiction of the judge of the Division of Domestic Relations of the Muskingum County Court of Common Pleas over cases under R.C. Chapters 2151. and 2152. (the Juvenile Code and Juvenile Delinquency

³ The initial version of the provisions of R.C. 2301.03(AA) creating an additional judgeship in Muskingum County stated:

(AA) In Muskingum county, the judge of the court of common pleas whose term begins on January 2, 2003, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Muskingum county and shall be elected and designated as the *judge of the court of common pleas, division of domestic relations. The judge shall have all of the powers relating to juvenile courts and shall be assigned all cases under Chapter 2151. or 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children, the designation for the children of a place of residence and legal custodian, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except cases that for some special reason are assigned to some other judge of the court of common pleas.*

Sub. H.B. 11, 124th Gen. A. (2001) (eff. Oct. 31, 2001) (emphasis added); *see also* Sub. H.B. 393, 124th Gen. A. (2002) (eff. July 5, 2002). The fact that this provision assigned to the judge both "all cases" under R.C. Chapters 2151 and 2152 and "all proceedings involving child support" indicates that the term "all proceedings involving child support" was not intended to include cases under R.C. Chapters 2151 and 2152.

Law) and makes a few other revisions in the provision that specifies the powers and jurisdiction of that judge. Under the act, the judge must be assigned and hear all divorce, dissolution of marriage, legal separation, and annulment cases and all proceedings under the Uniform Interstate Family Support Act contained in R.C. Chapter 3115. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge must be assigned and hear all cases pertaining to paternity, visitation, 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, and all post-decree proceedings arising from any case pertaining to any of those matters. (R.C. 2301.03(AA).)

As a result of the act's elimination of the jurisdiction of the judge of the Division of Domestic Relations of the Muskingum County Court of Common Pleas over cases under R.C. Chapters 2151. and 2152. by operation of R.C. 2151.011(A), which is not in the act, the Probate Division of the Muskingum County Court of Common Pleas will be the juvenile court for the county.

Ohio Legislative Service Comm'n, Final Bill Analysis, 124th Gen. A., Sub. H.B. 393 (As Passed by the General Assembly) (emphasis added); *see* note 1, *supra*. The intent behind this amendment to R.C. 2301.03(AA) thus was to eliminate the domestic relations judge's jurisdiction over cases under R.C. Chapters 2151 and 2152 and assign those matters instead to the juvenile court, which, by operation of R.C. 2151.011(A), is the Probate and Juvenile Division of the Muskingum County Court of Common Pleas. *See* note 1, *supra*.

The same intention was expressed in the Fiscal Note & Local Impact Statement prepared with respect to Sub. H.B. 393, as follows:

Muskingum County Domestic Relations Judge. A provision in the bill revises the duties of the new domestic relations judge of the Muskingum County Court of Common Pleas whose term begins on January 2, 2003 to: (1) limit that judge's jurisdiction to domestic relations cases, and (2) ensure that the existing probate/juvenile division of the Muskingum County Court of Common Pleas continues to have jurisdiction over juvenile cases involving children under 18.

Ohio Legislative Service Comm'n, Fiscal Note & Local Impact Statement, 124th Gen. A., Sub. H.B. 393 (As Passed by the Senate) (Mar. 4, 2002).

The amendment to R.C. 2301.03(AA) enacted by Sub. H.B. 38 was intended to clarify R.C. 2301.03(AA) and not to effect substantive changes from the version enacted by Sub. H.B. 393. Therefore, the current provisions of R.C. 2301.03(AA) should be read to be consistent with the intent described above. This can be accomplished through a reading that accepts the existence of a juvenile court that has the jurisdiction granted by R.C. 2151.23 and is separate

from the division of domestic relations, as discussed more fully below. *See generally Walters v. Johnson*, at ¶14.

Jurisdiction of the Muskingum County Court of Common Pleas, Probate and Juvenile Division

The juvenile court is a court of record within the court of common pleas, having the powers and jurisdiction conferred in R.C. Chapters 2151 and 2152. R.C. 2151.011(A); R.C. 2151.07. In Muskingum County, the Probate and Juvenile Division of the Court of Common Pleas serves as the juvenile court. *See* note 1, *supra*. R.C. 2151.23(A) lists matters in which the juvenile court has exclusive original jurisdiction. These include matters relating to children who are alleged to have violated prohibitions against buying or using tobacco, or are alleged to be juvenile traffic offenders or delinquent, unruly, abused, neglected, or dependent children; certain criminal cases in which adults are charged with such matters as child endangerment, nonsupport, or contributing to delinquency; children who are to be taken into custody pursuant to R.C. 2151.31; requests for approval of custody agreements; authority over parents or guardians having care of alleged delinquent children, unruly children, or juvenile traffic offenders; and authority over matters regarding adjudicated delinquent children. R.C. 2151.23(A)(1), (6), (8), (9), (14), (15); *see* R.C. 2151.87; R.C. 2919.21-.24.

The exclusive original jurisdiction of the juvenile court over children alleged to be abused, neglected, or dependent children is exercised through the provisions of R.C. 2151.27, R.C. 2151.31, R.C. 2151.314, R.C. 2151.33, and related sections. *See generally* 1997 Op. Att’y Gen. No. 97-024. After a complaint, petition, writ, or other document initiating a case dealing with an alleged or adjudicated abused, neglected, or dependent child is filed, the juvenile court is empowered to issue various temporary orders to protect the best interest of the child. R.C. 2151.33(B)(1). The orders may affect the custody of the child and may grant, limit, or eliminate parenting time or visitation rights. They may provide that the child be taken into custody pursuant to R.C. 2151.31 pending the outcome of the adjudicatory and dispositional hearings. *Id.* Prior to the final disposition of the case, the court is directed to issue an order requiring the parents, guardian, or person charged with the child’s support to pay support for the child, and also to issue an order requiring the appropriate person or persons to maintain or obtain health insurance coverage. R.C. 2151.33(B)(2). Thus, before the juvenile court may dispose of a case that places an abused, neglected, or dependent child in shelter care, the court must issue an order requiring the parents, guardian, or person charged with the child’s support to pay support for the child. R.C. 2151.33(B)(2)(a); *see also* Ohio R. Juv. P. 13(B)(2)(d) (upon the filing of an abuse, neglect, or dependency complaint, any party may request the juvenile court to issue an order for the payment of child support).

In certain instances, the exclusive original jurisdiction of the juvenile court is restricted by reference to portions of R.C. 2301.03. In particular, division (A)(11) of R.C. 2151.23 grants the juvenile court exclusive original jurisdiction “to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of

domestic violence, or an action for support brought under [R.C. Chapter 3115],” but makes that grant “[s]ubject to divisions (G) and (V)” of R.C. 2301.03. Division (G) defines the jurisdiction of the domestic relations judge of Richland County, and division (V) defines the jurisdiction of the domestic relations judge of Fairfield County. In each instance, the domestic relations judge is granted “concurrent jurisdiction” with the juvenile court over the matters described in R.C. 2151.23(A)(11). R.C. 2301.03(G) and (V). Similar language appears in R.C. 2151.23(A)(2) and R.C. 2301.03(G) and (V) with regard to the exclusive original jurisdiction of the juvenile court to determine the custody of a child not a ward of another court of this state.

R.C. 2151.23(A) does not refer to division (AA) of R.C. 2301.03 or in any way restrict the exclusive original jurisdiction of the juvenile court (Probate and Juvenile Division) of the Muskingum County Court of Common Pleas on the basis of provisions governing the Domestic Relations Division of the Muskingum County Court of Common Pleas. Accordingly, it must be concluded that the General Assembly did not, by the recent amendment of R.C. 2301.03(AA), intend to restrict the authority of the Probate and Juvenile Division of the Muskingum County Court of Common Pleas to hear and determine requests for orders of support in those instances in which exclusive original jurisdiction is given to juvenile courts, including cases under R.C. 2151.27 to R.C. 2151.331 and, in particular, support orders under R.C. 2151.33(B)(2)(a).⁴

⁴ Division (B) of R.C. 2151.23 lists matters in which the juvenile court has original (but not exclusive) jurisdiction under the Revised Code. These matters include the authority “[t]o hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state.” R.C. 2151.23(B)(4). The authority granted by R.C. 2151.23(B) is subject to exceptions provided in divisions (G) and (I) of R.C. 2301.03. These divisions provide, with regard to Richland and Summit Counties, that “[e]xcept in cases that are subject to the exclusive original jurisdiction of the juvenile court,” the domestic relations judges shall have assigned to them and hear all cases pertaining to various matters, including child support. R.C. 2301.03(G) and (I). These statutes – namely, R.C. 2151.23(B) and R.C. 2301.03(G) and (I) – thus restrict the original jurisdiction of the juvenile courts of Richland and Summit Counties. Again, however, no reference is made in R.C. 2151.23(B) to division (AA) of R.C. 2301.03, governing the domestic relations judge of the Muskingum County Common Pleas Court. Therefore, the juvenile court of Muskingum County retains the original jurisdiction over child support granted by R.C. 2151.23(B).

The exceptions to jurisdiction of the juvenile court provided in divisions (G) and (I) of R.C. 2301.03 are referred to also in R.C. 2151.23(D) and (E). Division (D) grants the juvenile court (except as provided in R.C. 2301.03(G) and (I)) jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce decree has been granted, including jurisdiction to modify the judgment and decree with regard to the custody and support of children. Division (E) grants the juvenile court (except as provided in R.C. 2301.03 (G) and (I)) jurisdiction to hear and determine the case of any child certified to the court by any court of competent jurisdiction, if the child

This conclusion is consistent with the understanding that the issuance of a support order pursuant to R.C. 2151.33(B)(2)(a) is a matter ancillary to the juvenile court's exclusive original jurisdiction over an abused, neglected, or dependent child, and is not a separate "proceeding" assigned to the domestic relations judge pursuant to R.C. 2301.03(AA). *See* note 3, *supra*. A case concerning an abused, neglected, or dependent child comes within the exclusive original jurisdiction of the juvenile court when a complaint, indictment or information is submitted or an order is issued, and remains within the jurisdiction of the juvenile court until all aspects of the case are resolved, including such ancillary matters as orders for child support. *See* R.C. 2151.23(A)(1); R.C. 2151.33(B)(2)(a).

Similarly, the domestic relations division retains jurisdiction over requests for child support orders that are ancillary to matters that are assigned to that division in accordance with R.C. 2301.03(AA). *See* R.C. 2151.23(A)(11) (subject to certain limitations, the juvenile court has exclusive original jurisdiction "to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under [R.C. Chapter 3115]"); R.C. 3105.011 ("[t]he court of common pleas including divisions of courts of domestic relations, has full equitable powers and jurisdiction appropriate to the determination of all domestic relations matters"); *see also* R.C. 3109.05 (authorizing the issuance of child support orders in a divorce, dissolution of marriage, legal separation, or child support proceeding, and stating also: "[t]he juvenile court has exclusive jurisdiction to enter the orders in any case certified to it from another court"). Hence, child support orders that are subject to the exclusive original jurisdiction of the juvenile court under R.C. 2151.23(A), including child support orders issued pursuant to R.C. 2151.33(B)(2)(a), remain within the exclusive original jurisdiction of the Muskingum County juvenile court and are not assigned to the domestic relations judge pursuant to R.C. 2301.03(AA). *See generally Black's Law Dictionary* 855 (7th ed. 1999) (defining "ancillary jurisdiction" as "[a] court's jurisdiction to adjudicate claims and proceedings that arise out of a claim that is properly before the court").

Analysis

When the provisions of R.C. 2151.23(A) and R.C. 2301.03(AA) are read in *pari materia*, as discussed above, they support the conclusion that, in Muskingum County, the juvenile court retains exclusive original jurisdiction over all matters relating to cases brought under R.C. 2151.27 to R.C. 2151.331, including the issuance of orders for child support for children placed in shelter care. R.C. 2151.23(A)(1) gives the juvenile court exclusive original jurisdiction over

comes within the jurisdiction of the juvenile court. Again, express references to pertinent divisions of R.C. 2301.03 limit the jurisdiction of the juvenile courts of particular counties. Again, division (AA) of R.C. 2301.03 is not referenced, and there is no basis for concluding that the jurisdiction of the Muskingum County juvenile court is modified by the provisions of R.C. 2301.03(AA).

children against whom cases are brought under R.C. 2151.27 to R.C. 2151.331, and R.C. 2151.33(B)(2)(a) requires that the court issue a child support order when an abused, neglected, or dependent child is placed in shelter care. R.C. 2151.23(A)(11) gives the juvenile court exclusive original jurisdiction to hear and determine a request for a child support order, unless the case is ancillary to a domestic relations matter, and subject to R.C. 2301.03(G) and (V) (but not R.C. 2301.03(AA)). Thus, the Muskingum County juvenile court has exclusive original jurisdiction over child support orders pertaining to cases brought under R.C. 2151.27 to R.C. 2151.331. *See Walters v. Johnson*, at ¶14 (construing language creating a division of domestic relations in the Licking County Court of Common Pleas, which language is identical to that creating a division of domestic relations in the Muskingum County Court of Common Pleas, and stating that the probate division has jurisdiction to hear all claims arising out of R.C. Chapters 2151 and 2152).

R.C. 2301.03(AA) provides that the Muskingum County domestic relations judge shall be assigned, *inter alia*, “all proceedings involving child support,” except in cases that for some special reason are assigned to another judge of the court of common pleas. Read in context, the words “all proceedings involving child support” refer to proceedings related to the other matters mentioned in the provision – namely, such domestic relations matters as divorce, dissolution of marriage, legal separation, and annulment. The “child support” language is part of a broader phrasing that includes “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.” Child support is thus included with other matters pertaining to domestic relations governed by R.C. Title 31, and not with matters assigned to the juvenile courts pursuant to R.C. Chapters 2151 and 2152. *See, e.g.*, R.C. Chapter 3105 (divorce, alimony, annulment, dissolution of marriage); R.C. Chapter 3109 (allocation of parental rights and responsibilities, custody, visitation); note 3, *supra*; *see also* R.C. 2303.201(C) (certain filing fee requirements do not apply “to proceedings concerning annulments, dissolutions of marriage, divorces, legal separation, spousal support, marital property or separate property distribution, support, or other domestic relations matters”).

Reading the current language of R.C. 2301.03(AA) together with the version of R.C. 2301.03(AA) enacted by Sub. H.B. 393 and the language of R.C. 2151.23(A) and R.C. 2151.33(B)(2)(a), we find it evident that the General Assembly did not intend to grant the Division of Domestic Relations of the Muskingum County Court of Common Pleas Court the jurisdiction commonly granted to juvenile courts, but, instead, intended to reserve to the Muskingum County juvenile court matters that are subject to the exclusive original jurisdiction of the juvenile courts pursuant to R.C. 2151.23(A), including orders for child support issued pursuant to R.C. 2151.23(A)(1) and R.C. 2151.33(B)(2)(a) or R.C. 2151.23(A)(11).

It should be noted that R.C. 2301.03(AA) expressly assigns to the domestic relations judge of the Muskingum County Court of Common Pleas all divorce, dissolution of marriage, legal separation, and annulment cases, and R.C. 2151.23(A)(11) excludes from the exclusive original jurisdiction of the juvenile court requests for child support orders when the request is ancillary to one of those cases. The statutes thus work together to grant the domestic relations division jurisdiction over child support proceedings relating to domestic relations matters while

retaining for the juvenile court jurisdiction over child support orders arising from those matters in which the juvenile court has exclusive original jurisdiction under R.C. 2151.23(A). *See also, e.g., In re Hollaender*, No. CA99-08-092, 2000 Ohio App. LEXIS 2649 (Warren County June 19, 2000) (juvenile court had exclusive jurisdiction to determine motion for support where the request arose out of its decision in an unruly child case, was not ancillary to any other proceeding, and child was not a ward of any other court); *Trump v. Trump*, 136 Ohio App. 3d 123, 736 N.E.2d 39 (Summit County 1999); *State ex rel. Lamier v. Lamier*, 105 Ohio App. 3d 797, 800, 664 N.E.2d 1384 (Cuyahoga County 1995) (“[p]ursuant to R.C. 2151.23(A)(11), juvenile court has *exclusive* jurisdiction over child support matters unless the action arises out of a case in certain other courts”). *See generally State ex rel. Clermont County Dep’t of Human Servs. v. Walsson*, 108 Ohio App. 3d 125, 670 N.E.2d 287 (Clermont County 1995).

Conclusion

For the reasons discussed above, it is my opinion, and you are advised, that pursuant to R.C. 2151.23(A), the Probate and Juvenile Division of the Muskingum County Court of Common Pleas has exclusive original jurisdiction to issue orders of support in cases brought under R.C. 2151.27 to R.C. 2151.331, including orders complying with R.C. 2151.33(B)(2)(a). The language of R.C. 2301.03(AA) establishing the powers and duties of the judge of the Domestic Relations Division of the Muskingum County Court of Common Pleas does not modify or restrict the exclusive original jurisdiction of the juvenile court in this regard.

Respectfully,



JIM PETRO
Attorney General