

June 26, 2020

Members of the Allen County Bar:

In 1992, the Ohio General Assembly established the Domestic Relations Division of the Common Pleas Court of Allen County. The legislation provided that effective January 1, 1993, the judge of that Division “shall be assigned 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 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...” (R.C. 2301.03(T)) (emphasis added). It appears that the intent of the General Assembly was that the Juvenile Division of the Allen County Common Pleas Court would continue to exercise jurisdiction over cases involving children alleged to be dependent, neglected, abused, unruly, delinquent, or to be juvenile traffic offenders, but that the Domestic Relations judge would be assigned all other cases relating to parentage, custody, visitation and support. However, R.C. 2151.23(A)(2) continued to provide that a juvenile court has jurisdiction “to determine the custody of any child not a ward of another court of this state.” In light of that ambiguity, the Allen County Juvenile Court continued to hear certain cases which, under the 1992 statute, appear to have been intended to be assigned to the domestic relations judge. After much discussion, Judges Staley and Derryberry have concluded that this is a uniquely opportune time to effectuate what had been intended by the Legislature. We are now in the process of effectuating the transfer of those cases covered by R.C. 2301.03(T) from the Juvenile Division to the Domestic Relations Division.

Enclosed is a copy of the Judgment Entry which has been prepared and filed in order to effectuate the transfer of those cases from the Juvenile Division to the Domestic Relations Division and assigning those cases to be heard by the Domestic Relations Judge. In general, cases which are now closed and have no active pending motions will be immediately transferred to the Domestic Relations Division, and the reopening of those cases should be initiated by filing the appropriate motion with the Allen County Clerk of Courts in the Courthouse. Some cases which are presently open and active in the Juvenile Court will remain with that Court until the open proceedings are completed, and will then be transferred to the Domestic Relations Division for any future proceedings which might later be initiated, i.e., reallocation of parental rights, support enforcement or modification. The Domestic Relations Division will be assigning those cases the same case number as was earlier assigned by the

Juvenile Court, with the exception that the alignment of the numbers may be changed to match the system already utilized by the Clerk of Courts. For example, a case previously identified in the Juvenile Court as “1988 JP 0001” may now be identified in the Domestic Relations Division as “JP 1988-01.” Any new Complaints involving parentage, child support, the allocation of parental rights and responsibilities, parenting time, and visitation should hereafter be filed with the Clerk of Courts at the Allen County Courthouse and be designated as being filed in the Domestic Relations Division.

This change also means that at the end of the transition, essentially all cases involving the establishment and enforcement of child support currently involving the Child Support Enforcement Agency will be handled by the Domestic Relations Division. The only exception will be proceedings by the Child Support Enforcement Agency to enforce child support orders issued by the Juvenile Court in dependency, neglect, abuse and delinquency cases.

As with any transition, these changes will not necessarily always be smooth and we have made every effort to minimize any confusion during the process. We believe that when completed, the transition will actually effectuate the intent of the General Assembly and will eventually simplify the process and make the results more consistent. As of this time, we anticipate implementing the transfer according to the following plan:

1) beginning July 1, 2020, all **new cases** brought under Chapter 3111. of the Revised Code, 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 should be filed with the Allen County Clerk of Courts in the Courthouse, and will be heard by the Domestic Relations Division of the Court.

2) beginning July 1, 2020, all **new post decree motions** 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 should be filed with the Allen County Clerk of Courts in the Courthouse, and will be heard by the Domestic Relations Division of the Court. **This is true even if the case had originally been initiated by a complaint filed in the Juvenile Division of the Court.** The post decree motions should be filed utilizing the same case number as had been assigned by the Juvenile Division at the time of the filing of the original complaint. Any adjustments to the assigned case numbers necessary to comport with the Domestic Relations numbering system ( as noted above) will be made by the Allen County Clerk of Courts after filing.

3) Cases now open and pending before the Juvenile Division 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 will be assessed by the Court to determine the status of the currently pending matters to determine whether to retain the case in the Juvenile Division or to assign the matter to the Domestic Relations Division. Pending matters which have already had significant court involvement (for example, a full evidentiary temporary orders hearings) or which are already scheduled for final hearing will likely be retained in the Juvenile Division until the pending matters are resolved. The intention with that is to avoid or minimize any additional delay and expense to the parties in the resolution of those pending matters. Upon completion of any pending matters, those cases will then be transferred and assigned to the Domestic Relations Division, and any subsequent post-decree motions will be heard in that Court.

If you have any questions regarding the transition process, feel free to contact the Judge of either Division of the Court.

Glenn H. Derryberry,  
Judge and Ex Officio Clerk,  
Juvenile Division

Matt C. Staley  
Judge, Domestic Relations Division

Margie Murphy Miller,  
Allen County Clerk of Courts