

## OHIO TASK FORCE ON LAW AND CHILDREN<sup>1</sup> (P. A11)

### Section 14 Parenting time enforcement.

- (A) The presiding Judge of each Common Pleas court or of the Juvenile Division or the Domestic Relations Division thereof shall establish an expedited parenting time enforcement procedure that shall include a requirement for mediation or other dispute resolution process. The procedure must be easy to understand and initiate. Unless the parties otherwise agree, the Court shall conduct a hearing no later than 45 days after the filing of a Motion seeking enforcement of a parenting time order. The Court may charge a filing fee. The Court shall provide forms for:
- (1) A motion filed by either party alleging with particularity a violation of parenting time or substantial violations of the parenting plan.
  - (2) An order requiring the parties to appear and show cause why parenting time should not be enforced in a specific manner. The party filing the motion shall serve a copy of the motion and the order on the other party. The order must include:
    - (a) A notice of the remedies imposable under subsection (B) of this section and the availability of a waiver of any mediation requirement; and
    - (b) A notice substantially in the following form:

When pleaded and shown in a separate legal action, violation of court orders, including visitation and parenting time orders, may also result in a finding of contempt, which may result in fines, incarceration or other penalties, including compulsory community service.
  - (3) A motion or affidavit may be filed by either party requesting waiver of any mediation requirement, which may be granted on a showing of good cause.
- (B) In addition to any other remedy the court may impose to enforce the provisions of a judgment relating to the parenting plan, the court may:
- (1) Modify the provisions relating to the parenting plan by:
    - (a) Specifying a detailed parenting time schedule;
    - (b) Imposing additional terms and conditions of the existing parenting time schedule;
    - (c) Ordering additional parenting time, in the best interests of the child, to compensate for wrongful deprivation of parenting time.
  - (2) Order the party who is violating the parenting plan provisions to post bond or security;
  - (3) Order either or both parties to attend counseling or educational sessions that focus on the impact of violation of the parenting plan on children;
  - (4) Award the prevailing party expenses, including, but not limited to, attorney fees, filing fees and court costs, incurred in enforcing the party's parenting plan;
  - (5) Terminate, suspend or modify spousal support.

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<sup>1</sup>*Family Law Reform: Minimizing Conflict, Maximizing Families*, Report of the Ohio Task Force on Law and Children, June 20, 2001, ([http://www.sconet.state.oh.us/JCS/taskforce/report\\_final.pdf](http://www.sconet.state.oh.us/JCS/taskforce/report_final.pdf)).

**THE SUPREME COURT OF OHIO  
ADVISORY COMMITTEE ON  
CHILDREN, FAMILIES & THE COURTS<sup>2</sup>**

**SECTION 15. PARENTING TIME ENFORCEMENT.**

- (A) Each court with jurisdiction over parenting issues shall establish an expedited parenting time enforcement procedure. The procedure shall be initiated by the submission of a request form. Any person with a parenting time or companionship order may use this procedure.
- (B) The forms shall contain, at a minimum, the parties' full names, addresses, telephone numbers, the case number and the nature of the dispute. Each jurisdiction may include additional items in the request form.
- (C) The court or a combination of courts shall appoint a compliance officer, to handle all parenting time enforcement processes.
  - (1) The compliance officer shall be a court employee or court appointee;
  - (2) The compliance officer, at a minimum, shall have completed the Supreme Court of Ohio approved mediation training.
- (D) The compliance officer shall be provided a sufficient, secure room to perform his or her duties.
- (E) The procedure for parenting time enforcement shall be as follows:
  - (1) The request shall be delivered to the compliance officer or other designated court employee;
  - (2) The request will be date stamped;
  - (3) No fee will be charged;
  - (4) The compliance officer will immediately initiate contact with the parties by telephone or ordinary mail;
  - (5) All parties shall participate in an informal meeting at the request of the compliance officer;
  - (6) The meeting of the compliance officer and the parties shall be held as soon as possible, but no later than 28 days, after the initial request. The compliance officer may expedite the process if he or she deems it necessary or appropriate;
  - (7) The compliance officer shall attempt to facilitate an agreement between the parties;
  - (8) The compliance officer may recommend that the parties seek additional intervention in the form of mediation, treatment or counseling;
  - (9) If an agreement is reached, and it is necessary to bring the agreement before the court, the parties will prepare and sign an agreement which will be presented to the court;
  - (10) If any issue or issues remain, either party may request a referral to the court for hearing.
- (F) The procedure for a court referral will be as follows:
  - (1) Upon a request by either party for a referral to court, the compliance officer shall provide a motion form which shall include, in the alternative, a waiver of service and a request for service;
  - (2) The party requesting the court hearing shall prepare the motion and file it with the Clerk of Courts;
  - (3) The court shall set a hearing and issue notice of the hearing to all parties. To be included in the Staff Notes: It is the intent that any person currently employed as a compliance officer continue in that capacity despite having a different education level than the one required in the above rule; however, that any replacement for that person comply with the requirements as set forth in this rule. It is also the intent that the compliance

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<sup>2</sup>*Report and Recommendations: Family Law Reform*, Report of the The Supreme Court of Ohio Advisory Committee on Children, Families & the Courts, 2005,  
([http://www.supremecourt.ohio.gov/JCS/taskforce/FLCreport\\_2005.pdf](http://www.supremecourt.ohio.gov/JCS/taskforce/FLCreport_2005.pdf))

officer can be any of the following, a full-time employee, a part-time employee, a contract employee, a grant-recipient and/or employed by more than one court at one time.