

As Introduced

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 140

Senators Hottinger, Jordan, Wachtmann, Amstutz, Miller, Schuring

—

A BILL

To amend sections 2101.12, 2101.16, 2101.24, 3101.05, 1
3101.13, 3101.99, 3103.01, 3103.06, 3105.01, 2
3105.08, 3105.091, 3105.10, 3105.17, 3105.171, 3
3105.18, 3105.31, 3105.61, 3105.62, 3105.64, 4
3105.65, 3107.03, 3705.21, and 3705.24 and to 5
enact sections 109.021, 2101.241, 3101.20 to 6
3101.23, 3101.26 to 3101.29, 3105.012, 3105.092, 7
and 3105.172 of the Revised Code relative to 8
covenant marriages. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2101.12, 2101.16, 2101.24, 3101.05, 10
3101.13, 3101.99, 3103.01, 3103.06, 3105.01, 3105.08, 3105.091, 11
3105.10, 3105.17, 3105.171, 3105.18, 3105.31, 3105.61, 3105.62, 12
3105.64, 3105.65, 3107.03, 3705.21, and 3705.24 be amended and 13
sections 109.021, 2101.241, 3101.20, 3101.21, 3101.22, 3101.23, 14
3101.26, 3101.27, 3101.28, 3101.29, 3105.012, 3105.092, and 15
3105.172 of the Revised Code be enacted to read as follows: 16

Sec. 109.021. (A) As used in this section: 17

(1) "Covenant marriage" and "premarital counseling" have the 18
same meanings as in section 3101.20 of the Revised Code. 19

(2) "Preexisting marriage that has been redesignated as a 20

covenant marriage" and "postmarital counseling" have the same
meanings as in section 3101.26 of the Revised Code.

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(B) In conjunction with the probate courts of this state, the
attorney general shall prepare, produce, and distribute or cause
the preparation, production, and distribution of an informational
booklet that explains the provisions of the Revised Code that
pertain to a covenant marriage and a preexisting marriage that has
been redesignated as a covenant marriage. The booklet shall be in
understandable language and in a readable format.

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(C) The attorney general shall provide copies of the booklet
described in division (B) of this section to the clerks of the
probate courts of this state upon request and the payment of the
per copy fee adopted in accordance with this division. The
attorney general shall prescribe by rule adopted pursuant to
Chapter 119. of the Revised Code a reasonable fee for each copy of
the booklet that the office of the attorney general provides to a
clerk of a probate court pursuant to this division. That fee shall
not exceed the lesser of two dollars or the actual cost incurred
by the attorney general in connection with the preparation,
production, and distribution of a copy of the booklet in
accordance with this section.

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(D) The attorney general shall review or cause the review of
the booklet described in division (B) of this section at least
once each biennium to determine whether it is accurate in all
respects and contains all relevant statutory information
pertaining to covenant marriages and preexisting marriages that
have been redesignated as a covenant marriage. If the booklet is
not accurate in all respects or does not contain all of the
relevant statutory information, the attorney general shall
prepare, produce, and distribute or cause the preparation,
production, and distribution of a new booklet in accordance with
divisions (B) and (C) of this section.

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Sec. 2101.12. The following records shall be kept by the 53
probate court: 54

(A) An administration docket, showing the grant of letters of 55
administration or letters testamentary, the name of the decedent, 56
the amount of bond and names of sureties in the bond, and the date 57
of filing and a brief note of each order or proceeding relating to 58
the estate with reference to the journal or other record in which 59
the order or proceeding is found; 60

(B) A guardian's docket, showing the name of each ward and, 61
if the ward is an infant, the infant's age and the name of the 62
infant's parents, the amount of bond and names of sureties in any 63
bond, any limited powers or limited duration of powers, and the 64
date of filing and a brief note of the orders and proceedings as 65
described in division (A) of this section; 66

(C) A civil docket, in which shall be noted the names of 67
parties to actions and proceedings, the date of the commencement 68
of the actions and proceedings and of the filing of the papers 69
relating to the actions and proceedings, a brief note of the 70
orders made in the actions and proceedings, and the date of 71
entering the orders; 72

(D) A journal, in which shall be kept minutes of official 73
business transacted in the probate court, or by the probate judge, 74
in civil actions and proceedings; 75

(E) A record of wills, in which the wills proved in the court 76
shall be recorded with a certificate of the probate of the will, 77
and wills proved elsewhere with the certificate of probate, 78
authenticated copies of which have been admitted to record by the 79
court; 80

(F) A final record that shall contain a complete record of 81
each cause or matter and shall be completed within ninety days 82

after the final order or judgment has been made in the cause or
matter;

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(G) An execution docket, in which shall be entered a
memorandum of executions issued by the probate judge stating the
names of the parties, the name of the person to whom the execution
is delivered, the person's return on the execution, the date of
issuing the execution, the amount ordered to be collected, stating
the costs separately from the fine or damages, the payments on the
execution, and the satisfaction of the execution when it is
satisfied;

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(H) A marriage record, in which shall be entered licenses,
the names of the parties to whom a license is issued, the names of
the persons applying for a license, a brief statement of the facts
sworn to by the persons applying for a license, ~~and a statement~~
whether the persons applying for a license on or after the
effective date of this amendment also have filed a declaration of
intent to contract a covenant marriage, the ~~returns~~ return of the
person solemnizing ~~the~~ a marriage, and a statement whether a
marriage entered into prior to, on, or after the effective date of
this amendment has been redesignated as a covenant marriage
pursuant to sections 2101.241 and 3101.27 of the Revised Code;

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(I) A naturalization record, in which shall be entered the
declaration of intention of the person seeking to be naturalized,
the oath of the person naturalized, and the affidavit or oath of
witnesses who testify in the person's behalf, in which affidavit
shall be stated the place of residence of the witnesses;

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(J) A permanent record of all births and deaths occurring
within the county, reported as provided by law, which record shall
be kept in the form and manner that may be designated by the
director of health;

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(K) A separate record and index of adoptions, in accordance

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with section 3107.17 of the Revised Code; 114

(L) A summary release from administration docket, showing the 115
date of the filing of the application for a summary release from 116
administration pursuant to section 2113.031 of the Revised Code, 117
the decedent's name, the applicant's name, whether the applicant 118
is the decedent's surviving spouse or a person described in 119
division (B)(1) of that section, and a brief note of the grant of 120
the order of summary release from administration and of any other 121
order or proceeding relating to the decedent's estate, with 122
reference to the journal or other record in which the order or 123
proceeding is found. 124

For each record required by this section, an index shall be 125
maintained. Each index shall be kept current with the entries in 126
the record and shall refer to the entries alphabetically by the 127
names of the persons as they were originally entered, indexing the 128
page of the record where the entry is made. On the order of the 129
probate judge, blankbooks, other record forms, or other 130
record-keeping materials approved by the judge for the records and 131
indexes shall be furnished by the board of county commissioners at 132
the expense of the county. 133

Sec. 2101.16. (A) The fees enumerated in this division shall 134
be charged and collected, if possible, by the probate judge and 135
shall be in full for all services rendered in the respective 136
proceedings: 137

- (1) Account, in addition to advertising charges \$12.00 138
Waivers and proof of notice of hearing on account, per 139
page, minimum one dollar \$ 1.00 140
- (2) Account of distribution, in addition to 141
advertising charges \$ 7.00 142
- (3) Adoption of child, petition for \$50.00 143
- (4) Alter or cancel contract for sale or purchase of 144

real estate, petition to	\$20.00	145
(5) Application <u>or</u> <u>petition</u> and <u>associated</u> order not otherwise provided		146
for in this section or by rule adopted pursuant to		147
division (E) <u>or</u> (H) of this section	\$ 5.00	148
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(6) Appropriation suit, per day, hearing in	\$20.00	149
(7) Birth, application for registration of	\$ 7.00	150
(8) Birth record, application to correct	\$ 5.00	151
(9) Bond, application for new or additional	\$ 5.00	152
(10) Bond, application for release of surety or reduction of	\$ 5.00	153 154
(11) Bond, receipt for securities deposited in lieu of	\$ 5.00	155
(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	\$ 1.00	156 157
(13) Citation and issuing citation, application for	\$ 5.00	158
(14) Change of name, petition for	\$20.00	159
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	\$10.00	160 161
(16) Claim, application to compromise or settle	\$10.00	162
(17) Claim, authority to present	\$10.00	163
(18) Commissioner, appointment of	\$ 5.00	164
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	\$ 5.00	165 166
(20) Competency, application to procure adjudication of ...	\$20.00	167
(21) Complete contract, application to	\$10.00	168
(22) Concealment of assets, citation for	\$10.00	169
(23) Construction of will, petition for	\$20.00	170
(24) Continue decedent's business, application to	\$10.00	171
Monthly reports of operation	\$ 5.00	172
(25) Declaratory judgment, petition for	\$20.00	173
(26) Deposit of will	\$ 5.00	174
(27) Designation of heir	\$20.00	175

(28) Distribution in kind, application, assent, and order for	\$ 5.00	176 177
(29) Distribution under section 2109.36 of the Revised Code, application for an order of	\$ 7.00	178 179
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	\$15.00	180 181 182
(31) Exceptions to any proceeding named in this section, contest of appointment or	\$10.00	183 184
(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	\$10.00	185 186
(33) Election of surviving spouse under will	\$ 5.00	187
(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	\$35.00	188 189 190
(35) Foreign will, application to record	\$10.00	191
Record of foreign will, additional, per page	\$ 1.00	192
(36) Forms when supplied by the probate court, not to exceed	\$10.00	193 194
(37) Heirship, petition to determine	\$20.00	195
(38) Injunction proceedings	\$20.00	196
(39) Improve real estate, petition to	\$20.00	197
(40) Inventory with appraisalment	\$10.00	198
(41) Inventory without appraisalment	\$ 7.00	199
(42) Investment or expenditure of funds, application for ..	\$10.00	200
(43) Invest in real estate, application to	\$10.00	201
(44) Lease for oil, gas, coal, or other mineral, petition to	\$20.00	202 203
(45) Lease or lease and improve real estate, petition to ..	\$20.00	204
(46) Marriage license	\$10.00	205
Certified abstract of each marriage	\$ 2.00	206
(47) Minor or mentally ill person, etc., disposal of estate under ten thousand dollars of	\$10.00	207 208

(48) Mortgage or mortgage and repair or improve real estate, petition to		209
	\$20.00	210
(49) Newly discovered assets, report of	\$ 7.00	211
(50) Nonresident executor or administrator to bar creditors' claims, proceedings by	\$20.00	212
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(51) Power of attorney or revocation of power, bonding company	\$10.00	214
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(52) Presumption of death, petition to establish	\$20.00	216
(53) Probating will	\$15.00	217
Proof of notice to beneficiaries	\$ 5.00	218
(54) Purchase personal property, application of surviving spouse to	\$10.00	219
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(55) Purchase real estate at appraised value, petition of surviving spouse to	\$20.00	221
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(56) Receipts in addition to advertising charges, application and order to record	\$ 5.00	223
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Record of those receipts, additional, per page	\$ 1.00	225
(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	\$ 1.00	226
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(58) Release of estate by mortgagee or other lienholder ...	\$ 5.00	228
(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	\$60.00	229
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(60) Removal of fiduciary, application for	\$10.00	233
(61) Requalification of executor or administrator	\$10.00	234
(62) Resignation of fiduciary	\$ 5.00	235
(63) Sale bill, public sale of personal property	\$10.00	236
(64) Sale of personal property and report, application for	\$10.00	237
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(65) Sale of real estate, petition for	\$25.00	239
(66) Terminate guardianship, petition to	\$10.00	240
(67) Transfer of real estate, application, entry, and		241

certificate for	\$ 7.00	242
(68) Unclaimed money, application to invest	\$ 7.00	243
(69) Vacate approval of account or order of distribution, motion to	\$10.00	244 245
(70) Writ of execution	\$ 5.00	246
(71) Writ of possession	\$ 5.00	247
(72) Wrongful death, application and settlement of claim for	\$20.00	248 249
(73) Year's allowance, petition to review	\$ 7.00	250
(74) Guardian's report, filing and review of	\$ 5.00	251
(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.		252 253 254 255 256 257 258 259 260 261 262 263
(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.		264 265 266 267 268 269 270 271 272
(C) Thirty dollars of the thirty-five-dollar fee collected		273

pursuant to division (A)(34) of this section and twenty dollars of 274
the sixty-dollar fee collected pursuant to division (A)(59) of 275
this section shall be deposited by the county treasurer in the 276
indigent guardianship fund created pursuant to section 2111.51 of 277
the Revised Code. 278

(D) The fees of witnesses, jurors, sheriffs, coroners, and 279
constables for services rendered in the probate court or by order 280
of the probate judge shall be the same as provided for like 281
services in the court of common pleas. 282

(E) The probate court, by rule, may require an advance 283
deposit for costs, not to exceed one hundred twenty-five dollars, 284
at the time application is made for an appointment as executor or 285
administrator or at the time a will is presented for probate. 286

(F) The probate court, by rule, shall establish a reasonable 287
fee, not to exceed fifty dollars, for the filing of a petition for 288
the release of information regarding an adopted person's name by 289
birth and the identity of the adopted person's biological parents 290
and biological siblings pursuant to section 3107.41 of the Revised 291
Code, all proceedings relative to the petition, the entry of an 292
order relative to the petition, and all services required to be 293
performed in connection with the petition. The probate court may 294
use a reasonable portion of a fee charged under authority of this 295
division to reimburse any agency, as defined in section 3107.39 of 296
the Revised Code, for any services it renders in performing a task 297
described in section 3107.41 of the Revised Code relative to or in 298
connection with the petition for which the fee was charged. 299

(G)(1) Thirty dollars of the fifty-dollar fee collected 300
pursuant to division (A)(3) of this section shall be deposited 301
into the "putative father registry fund," which is hereby created 302
in the state treasury. The department of job and family services 303
shall use the money in the fund to fund the department's costs of 304

performing its duties related to the putative father registry 305
established under section 3107.062 of the Revised Code. 306

(2) If the department determines that money in the putative 307
father registry fund is more than is needed for its duties related 308
to the putative father registry, the department may use the 309
surplus moneys in the fund as permitted in division (C) of section 310
2151.3529, division (B) of section 2151.3530, or section 5103.155 311
of the Revised Code. 312

(H) The probate court may establish by rule either or both of 313
the following fees: 314

(1) A fee for each copy of the booklet that the attorney 315
general prepares pursuant to section 109.021 of the Revised Code 316
and that the clerk of the probate court provides to the 317
individuals specified in division (A) of section 2101.241 of the 318
Revised Code. This fee shall not exceed the lesser of two dollars 319
or the actual cost incurred by the attorney general in connection 320
with the preparation, production, and distribution of the copy of 321
the booklet in accordance with section 109.021 of the Revised 322
Code. 323

(2) A reasonable fee for the services that the probate court 324
must perform pursuant to division (B) of section 2101.241 of the 325
Revised Code in connection with a petition under section 3101.27 326
of the Revised Code to redesignate a marriage entered into prior 327
to, on, or after the effective date of this amendment as a 328
covenant marriage. 329

Sec. 2101.24. (A)(1) Except as otherwise provided by law, the 330
probate court has exclusive jurisdiction: 331

(a) To take the proof of wills and to admit to record 332
authenticated copies of wills executed, proved, and allowed in the 333
courts of any other state, territory, or country. If the probate 334

judge is unavoidably absent, any judge of the court of common 335
pleas may take proof of wills and approve bonds to be given, but 336
the record of these acts shall be preserved in the usual records 337
of the probate court. 338

(b) To grant and revoke letters testamentary and of 339
administration; 340

(c) To direct and control the conduct and settle the accounts 341
of executors and administrators and order the distribution of 342
estates; 343

(d) To appoint the attorney general to serve as the 344
administrator of an estate pursuant to section 2113.06 of the 345
Revised Code; 346

(e) To appoint and remove guardians, conservators, and 347
testamentary trustees, direct and control their conduct, and 348
settle their accounts; 349

(f) To grant marriage licenses, to perform services 350
associated with marriage licenses that, on or after the effective 351
date of this amendment, contain an attached declaration of intent 352
to contract a covenant marriage, and to perform the services 353
described in division (B) of section 2101.241 of the Revised Code 354
in connection with the redesignation of marriages entered into 355
prior to, on, or after the effective date of this amendment as 356
covenant marriages; 357

(g) To make inquests respecting persons who are so mentally 358
impaired as a result of a mental or physical illness or 359
disability, or mental retardation, or as a result of chronic 360
substance abuse, that they are unable to manage their property and 361
affairs effectively, subject to guardianship; 362

(h) To qualify assignees, appoint and qualify trustees and 363
commissioners of insolvents, control their conduct, and settle 364

their accounts;	365
(i) To authorize the sale of lands, equitable estates, or interests in lands or equitable estates, and the assignments of inchoate dower in such <u>those</u> cases of sale, on petition by executors, administrators, and guardians;	366 367 368 369
(j) To authorize the completion of real estate contracts on petition of executors and administrators;	370 371
(k) To construe wills;	372
(l) To render declaratory judgments, including, but not limited to, those rendered pursuant to section 2107.084 of the Revised Code;	373 374 375
(m) To direct and control the conduct of fiduciaries and settle their accounts;	376 377
(n) To authorize the sale or lease of any estate created by will if the estate is held in trust, on petition by the trustee;	378 379
(o) To terminate a testamentary trust in any case in which a court of equity may do so;	380 381
(p) To hear and determine actions to contest the validity of wills;	382 383
(q) To make a determination of the presumption of death of missing persons and to adjudicate the property rights and obligations of all parties affected by the presumption;	384 385 386
(r) To hear and determine an action commenced pursuant to section 3107.41 of the Revised Code to obtain the release of information pertaining to the birth name of the adopted person and the identity of the adopted person's biological parents and biological siblings;	387 388 389 390 391
(s) To act for and issue orders regarding wards pursuant to section 2111.50 of the Revised Code;	392 393

(t) To hear and determine actions against sureties on the bonds of fiduciaries appointed by the probate court;	394 395
(u) To hear and determine actions involving informed consent for medication of persons hospitalized pursuant to section 5122.141 or 5122.15 of the Revised Code;	396 397 398
(v) To hear and determine actions relating to durable powers of attorney for health care as described in division (D) of section 1337.16 of the Revised Code;	399 400 401
(w) To hear and determine actions commenced by objecting individuals, in accordance with section 2133.05 of the Revised Code;	402 403 404
(x) To hear and determine complaints that pertain to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment in connection with certain patients allegedly in a terminal condition or in a permanently unconscious state pursuant to division (E) of section 2133.08 of the Revised Code, in accordance with that division;	405 406 407 408 409 410
(y) To hear and determine applications that pertain to the withholding or withdrawal of nutrition and hydration from certain patients allegedly in a permanently unconscious state pursuant to section 2133.09 of the Revised Code, in accordance with that section;	411 412 413 414 415
(z) To hear and determine applications of attending physicians in accordance with division (B) of section 2133.15 of the Revised Code;	416 417 418
(aa) To hear and determine actions relative to the use or continuation of comfort care in connection with certain principals under durable powers of attorney for health care, declarants under declarations, or patients in accordance with division (E) of either section 1337.16 or 2133.12 of the Revised Code;	419 420 421 422 423

(bb) To hear and determine applications for an order 424
relieving an estate from administration under section 2113.03 of 425
the Revised Code; 426

(cc) To hear and determine applications for an order granting 427
a summary release from administration under section 2113.031 of 428
the Revised Code. 429

(2) In addition to the exclusive jurisdiction conferred upon 430
the probate court by division (A)(1) of this section, the probate 431
court shall have exclusive jurisdiction over a particular subject 432
matter if both of the following apply: 433

(a) Another section of the Revised Code expressly confers 434
jurisdiction over that subject matter upon the probate court. 435

(b) No section of the Revised Code expressly confers 436
jurisdiction over that subject matter upon any other court or 437
agency. 438

(B)(1) The probate court has concurrent jurisdiction with, 439
and the same powers at law and in equity as, the general division 440
of the court of common pleas to issue writs and orders, and to 441
hear and determine actions as follows: 442

(a) If jurisdiction relative to a particular subject matter 443
is stated to be concurrent in a section of the Revised Code or has 444
been construed by judicial decision to be concurrent, any action 445
that involves that subject matter; 446

(b) Any action that involves an inter vivos trust; a trust 447
created pursuant to section 1339.51 of the Revised Code; a 448
charitable trust or foundation; subject to divisions (A)(1)(u) and 449
(z) of this section, a power of attorney, including, but not 450
limited to, a durable power of attorney; the medical treatment of 451
a competent adult; or a writ of habeas corpus. 452

(2) Any action that involves a concurrent jurisdiction 453

subject matter and that is before the probate court may be 454
transferred by the probate court, on its order, to the general 455
division of the court of common pleas. 456

(C) The probate court has plenary power at law and in equity 457
to dispose fully of any matter that is properly before the court, 458
unless the power is expressly otherwise limited or denied by a 459
section of the Revised Code. 460

(D) The jurisdiction acquired by a probate court over a 461
matter or proceeding is exclusive of that of any other probate 462
court, except when otherwise provided by law. 463

Sec. 2101.241. (A) Upon request and the payment of any 464
associated fee that the probate court adopts pursuant to division 465
(H)(1) of section 2101.16 of the Revised Code, the clerk of the 466
probate court shall provide a copy of the booklet prepared by the 467
attorney general pursuant to section 109.021 of the Revised Code 468
to any of the following individuals: 469

(1) A male person and a female person described in division 470
(A)(2) of section 3101.20 of the Revised Code who inform the clerk 471
of their interest in entering into a covenant marriage; 472

(2) The husband and wife in a marriage described in division 473
(D)(1) of section 3101.26 of the Revised Code who inform the clerk 474
of their interest in redesignating their marriage as a covenant 475
marriage; 476

(3) A marriage counselor or a rabbi, priest, or other 477
regularly ordained, accredited, or licensed minister of an 478
established and legally cognizable church, denomination, or sect 479
who provides premarital counseling for purposes of sections 480
3101.20 to 3101.23 of the Revised Code or postmarital counseling 481
for purposes of sections 3101.26 to 3101.29 of the Revised Code. 482

(B) If, at any time after the effective date of this section, 483

a husband and wife in a marriage described in division (D)(1) of section 3101.26 of the Revised Code comply with the requirements of section 3101.27 of the Revised Code to cause their marriage to be redesignated as a covenant marriage, the probate court shall do all of the following:

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(1) Enter an order on the journal of the court that states that the marriage of the petitioners has been redesignated as a covenant marriage as of the date the court enters the order and takes the action described in division (B)(2) of this section;

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(2) Stamp or type on the certificate of marriage of the petitioners the words "COVENANT MARRIAGE" together with a notation to the journal entry of the order referred to in division (B)(1) of this section;

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(3) Attach to the certificate of marriage of the petitioners, the petition to redesignate their marriage as a covenant marriage, the postmarital declaration of covenant marriage intent, and the statement of postmarital counseling that the petitioners filed pursuant to section 3101.27 of the Revised Code;

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(4) Notify the department of health in accordance with section 3705.21 of the Revised Code of the redesignation of the petitioners' marriage as a covenant marriage.

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Sec. 3101.05. (A) The parties to a marriage shall make an application for a marriage license. Each of the ~~persons~~ parties seeking a marriage license shall personally appear in the probate court ~~within~~ of the county ~~where~~ in which either party resides, or, if neither party is a resident of this state, ~~where~~ in which the marriage is expected to be solemnized. If neither party is a resident of this state, the marriage may be solemnized only in the county ~~where~~ in which the license is obtained. ~~Each~~

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Each party shall make application for the marriage license

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and shall state upon oath, the party's name, age, residence, place of birth, occupation, father's name, and mother's maiden name, if known, ~~and~~ the name of the person who is expected to solemnize the marriage, and, on or after the effective date of this amendment, whether both parties seek to enter into a covenant marriage, have attached to the application for the marriage license a declaration of intent to contract a covenant marriage and a statement of premarital counseling as described in section 3101.21 of the Revised Code, and otherwise have fully complied with the requirements of that section. If either party has been previously married, the application for the marriage license also shall include the names of the parties to ~~any~~ each previous marriage and of any minor children, ~~and, if divorced any of the previous marriages was terminated by a divorce, dissolution of marriage, or annulment,~~ the jurisdiction, date, and case number of the decree. If either ~~applicant~~ party is under the age of eighteen years, the probate judge shall require the ~~applicant's~~ parties to state that they received marriage counseling satisfactory to the court. Except as otherwise provided in this division, the application also shall include each party's social security number. In lieu of requiring each party's social security number on the application, the probate court may obtain each party's social security number, retain the social security numbers in a separate record, and allow a number other than the social security number to be used on the application for reference purposes. If a court allows the use of a number other than the social security number to be used on the application for reference purposes, the record containing the social security number is not a public record, except that, in any of the circumstances set forth in divisions (A)(1) to (4) of section 3101.051 of the Revised Code, the record containing the social security number shall be made available for inspection under section 149.43 of the Revised Code.

Immediately upon receipt of an application for a marriage

license, the probate court shall place the parties' record in a 547
book kept for that purpose. If the probate judge is satisfied that 548
there is no legal impediment and if one or both of the parties are 549
present, the probate judge shall grant the marriage license. 550

If the probate judge is satisfied from the affidavit of a 551
reputable physician in active practice and residing in the county 552
~~where~~ in which the probate court is located, that one of the 553
parties is unable to appear in court, by reason of illness or 554
other physical disability, a marriage license may be granted upon 555
application and oath of the other party to the contemplated 556
marriage; but, in that case, the person who is unable to appear in 557
court, at the time of making application for a the marriage 558
license, shall make and file in that court, an affidavit setting 559
forth the information required of applicants for a marriage 560
license. 561

A probate judge may grant a marriage license under this 562
section at any time after the application for the marriage license 563
is made. If the parties attached to the application for the 564
marriage license a declaration of intent to contract a covenant 565
marriage and a statement of premarital counseling as described in 566
section 3101.21 of the Revised Code and otherwise fully complied 567
with the requirements of that section, their marriage license 568
shall include the following statement: "THE MARRIAGE SOLEMNIZED 569
PURSUANT TO THIS MARRIAGE LICENSE WILL BE A COVENANT MARRIAGE." 570

A marriage license issued under this section shall not 571
display the social security number of either party to the 572
marriage. 573

(B) An applicant for a marriage license who knowingly makes a 574
false statement in an application or affidavit prescribed by this 575
section or in a declaration of intent to contract a covenant 576
marriage or a statement of premarital counseling as described in 577

section 3101.21 of the Revised Code that is attached to an 578
application for a marriage license is guilty of falsification 579
under section 2921.13 of the Revised Code. 580

(C) No licensing officer shall issue a marriage license if 581
the officer has not received the application, affidavit, or other 582
statements prescribed by this section or if the officer has reason 583
to believe that any of the statements in ~~a marriage license~~ an 584
application or ~~in an~~ affidavit prescribed by this section are 585
false. 586

(D) Any fine collected for violation of this section shall be 587
paid to the use of the county together with the costs of 588
prosecution. 589

Sec. 3101.13. (A) Except as otherwise provided in this 590
~~section~~ division, a certificate of every marriage solemnized shall 591
be transmitted by the authorized person solemnizing the marriage, 592
within thirty days after the solemnization, to the probate judge 593
of the county in which the marriage license was issued. If, in 594
accordance with section 2101.27 of the Revised Code, a probate 595
judge solemnizes a marriage and if the probate judge issued the 596
marriage license to the husband and wife, ~~he~~ the probate judge 597
shall file a certificate of that solemnized marriage in ~~his~~ the 598
probate judge's office within thirty days after the solemnization. 599
All ~~such of those~~ those transmitted and filed certificates shall be 600
consecutively numbered and recorded in the order in which they are 601
received. 602

(B) On and after the effective date of this amendment, if the 603
marriage license of the parties to a marriage includes the 604
statement that "THE MARRIAGE SOLEMNIZED PURSUANT TO THIS MARRIAGE 605
LICENSE WILL BE A COVENANT MARRIAGE," the authorized person who 606
solemnizes the marriage shall stamp or type on the parties' 607
certificate of marriage the words "COVENANT MARRIAGE" in a 608

location designated by rule of the probate court that issued the 609
parties' marriage license or shall check and initial on the 610
parties' certificate of marriage a box adjacent to the preprinted 611
words "COVENANT MARRIAGE." 612

Sec. 3101.20. As used in sections 3101.20 to 3101.23 of the 613
Revised Code: 614

(A) "Covenant marriage" means a marriage that satisfies all 615
of the following: 616

(1) The marriage is entered into on or after the effective 617
date of this section. 618

(2) The marriage involves the union of one male person who is 619
eighteen years of age or older and one female person who is 620
sixteen years of age or older, unless the circumstances referred 621
to in section 3101.04 of the Revised Code apply, neither of whom 622
is nearer of kin than second cousins, neither of whom has a living 623
spouse at the time of the marriage, and neither of whom is 624
ineligible to be married for a reason set forth in section 3101.06 625
of the Revised Code. 626

(3) If a party to the marriage is a minor and unless a 627
consent is not required under section 3101.01 of the Revised Code, 628
the marriage occurs only after the consent of the appropriate 629
person or persons to the minor's marriage has been obtained in 630
accordance with sections 3101.01 to 3101.03 of the Revised Code. 631

(4) The marriage is entered into following the parties' 632
execution of a declaration of intent to contract a covenant 633
marriage that indicates their understanding of all of the 634
following: 635

(a) That their marriage will involve a lifelong relationship; 636

(b) That their marriage cannot be terminated by a dissolution 637
of marriage under sections 3105.61 to 3105.65 of the Revised Code; 638

(c) That their marriage cannot be annulled under sections 3105.31 and 3105.32 of the Revised Code; 639
640

(d) That their marriage cannot be terminated by a divorce unless there is a complete and total breach of their marital covenant as evidenced by a ground listed in section 3105.012 of the Revised Code, and, except for the ground listed in division (B)(7) of that section, the party who has not breached the marital covenant seeks the termination of the marriage; 641
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(e) That a legal separation of the parties only may be granted under the circumstances listed in division (B) of section 3105.172 of the Revised Code. 647
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(5) Their marriage is solemnized by an authorized individual listed in section 3101.08 of the Revised Code after the parties receive premarital counseling. 650
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(B) "Declaration of intent to contract a covenant marriage" means the document described in division (B) of section 3101.21 of the Revised Code. 653
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(C) "Premarital counseling" means the type of counseling described in division (C) of section 3101.21 of the Revised Code. 656
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Sec. 3101.21. One male person and one female person described in division (A)(2) of section 3101.20 of the Revised Code may enter into a covenant marriage on or after the effective date of this section by doing all of the following: 658
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(A) Submitting to the appropriate probate court an application for a marriage license in accordance with section 3101.05 of the Revised Code and, if a party to the proposed covenant marriage is a minor and unless a consent is not required under section 3101.01 of the Revised Code, obtaining the consent of the appropriate person or persons to the minor's marriage in accordance with sections 3101.01 to 3101.03 of the Revised Code; 662
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(B) Attaching to the application for the marriage license a 669
declaration of intent to contract a covenant marriage that is in 670
the following form or in a substantially similar form: 671

"DECLARATION OF INTENT TO CONTRACT A COVENANT MARRIAGE 672

We, [insert names of the male person and the 673
female person as set forth in the application for the marriage 674
license], solemnly declare that marriage is a covenant between one 675
man and one woman who agree to live together as husband and wife 676
for as long as they both shall live. We have chosen each other 677
carefully and have disclosed to each other everything that could 678
adversely affect the decision to enter into a marriage. 679

We understand that our marriage will be a lifelong 680
relationship; that our marriage cannot be terminated by a 681
dissolution of marriage under sections 3105.61 to 3105.65 of the 682
Ohio Revised Code; that our marriage cannot be annulled under 683
sections 3105.31 and 3105.32 of the Ohio Revised Code; that our 684
marriage cannot be terminated by a divorce unless there is a 685
complete and total breach of our marital covenant as evidenced by 686
a ground listed in section 3105.012 of the Ohio Revised Code and 687
generally unless the spouse who has not breached the marital 688
covenant seeks the termination of our marriage; and that a legal 689
separation may not be granted to either of us except under the 690
circumstances listed in section 3105.172 of the Ohio Revised Code. 691
If we experience marital difficulties, we commit ourselves to make 692
all reasonable efforts to preserve our marriage, including, but 693
not limited to, engaging in marital counseling. 694

We have received the statutorily required premarital 695
counseling with respect to the nature and purposes of a covenant 696
marriage and the responsibilities of the parties to a covenant 697
marriage. We also have read and comprehend the provisions of 698
sections 3101.20 to 3101.23, 3105.012, 3105.092, and 3105.172 of 699
the Ohio Revised Code that pertain to covenant marriages and the 700

booklet that the Ohio Attorney General prepared pursuant to 701
section 109.021 of the Ohio Revised Code. 702

Thus, having so prepared ourselves for a covenant marriage 703
and with full knowledge of what a covenant marriage means, we 704
solemnly declare our marriage will be a covenant marriage bound by 705
the relevant provisions of Ohio law, and we promise to love, 706
honor, and care for each other as husband and wife for the rest of 707
our lives. 708

..... 709

(Signature of Male Person) 710

..... 711

(Signature of Female Person) 712

..... 713

(Date)" 714

(C) Receiving premarital counseling that emphasizes the 715
nature and purposes of a covenant marriage and the 716
responsibilities of the parties to a covenant marriage from a 717
marriage counselor or a rabbi, priest, or other regularly 718
ordained, accredited, or licensed minister of an established and 719
legally cognizable church, denomination, or sect. The premarital 720
counseling shall include, but is not necessarily limited to, a 721
discussion of all of the following topics: 722

(1) The nature and purposes of a marriage in general and of a 723
covenant marriage in particular, including the commitments of the 724
parties to a covenant marriage to love, honor, and care for each 725
other for the rest of their lives and, in times of marital 726
difficulties, to make all reasonable efforts to preserve their 727
marriage, including, but not limited to, engaging in marital 728
counseling; 729

(2) The statutory prohibition against the termination of a 730
covenant marriage by a dissolution of marriage under sections 731

<u>3105.61 to 3105.65 of the Revised Code;</u>	732
<u>(3) The statutory prohibition against the annulment of a</u>	733
<u>covenant marriage under sections 3105.31 and 3105.32 of the</u>	734
<u>Revised Code;</u>	735
<u>(4) The statutory prohibition against the termination of a</u>	736
<u>covenant marriage by a divorce unless there is a complete and</u>	737
<u>total breach of the marital covenant as evidenced by a ground</u>	738
<u>listed in section 3105.012 of the Revised Code, and, except for</u>	739
<u>the ground listed in division (B)(7) of that section, the spouse</u>	740
<u>who has not breached the marital covenant seeks the termination of</u>	741
<u>the marriage;</u>	742
<u>(5) The statutory prohibition against the grant of a legal</u>	743
<u>separation to either spouse except under the circumstances listed</u>	744
<u>in division (B) of section 3105.172 of the Revised Code.</u>	745
<u>(D) Reading and comprehending the provisions of sections</u>	746
<u>3101.20 to 3101.23, 3105.012, 3105.092, and 3105.172 of the</u>	747
<u>Revised Code that pertain to covenant marriages and the booklet</u>	748
<u>that the attorney general prepared pursuant to section 109.021 of</u>	749
<u>the Revised Code;</u>	750
<u>(E) Attaching to the application for the marriage license a</u>	751
<u>statement in the following form or in a substantially similar form</u>	752
<u>that is executed in part by the prospective parties to the</u>	753
<u>covenant marriage and by the marriage counselor, rabbi, priest, or</u>	754
<u>minister referred to in division (C) of this section who provided</u>	755
<u>those parties with premarital counseling:</u>	756
<u>"STATEMENT OF PREMARITAL COUNSELING</u>	757
<u>PART I: MARRIAGE APPLICANTS' PORTION</u>	758
<u>We, [insert the names of the male person and</u>	759
<u>the female person as set forth in the application for the marriage</u>	760
<u>license], declare that we have received the statutorily required</u>	761
<u>premarital counseling that is a condition precedent to our entry</u>	762

into a covenant marriage in the state of Ohio. 763

..... 764

(Signature of Male Person) 765

..... 766

(Signature of Female Person) 767

..... 768

(Date) 769

PART II: PREMARITAL COUNSELOR PORTION 770

I, [insert the name of the rabbi, priest, 771
minister, or marriage counselor referred to in division (C) of 772
section 3101.21 of the Ohio Revised Code], declare that I provided 773
premarital counseling to [insert the names of the 774
male person and the female person as set forth in the application 775
for the marriage license] as a condition precedent to their entry 776
into a covenant marriage in the state of Ohio, that the premarital 777
counseling consisted at least of a discussion of the topics listed 778
in divisions (C)(1) to (5) of section 3101.21 of the Ohio Revised 779
Code, and that, unless those individuals previously received a 780
copy of the booklet that the Ohio Attorney General prepared 781
pursuant to section 109.021 of the Ohio Revised Code, I provided 782
them with a copy of that booklet. 783

..... 784

..... 785

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..... 787

(Signature, Printed Name, Title, 788
and Address of the Individual Who
Provided the Premarital
Counseling)

..... 789

(Date)" 790

Sec. 3101.22. Notwithstanding any contrary provision of the 791
Revised Code or of a rule of court that generally pertains to the 792
termination or annulment of a marriage in this state, all of the 793
following apply to a covenant marriage: 794

(A) It cannot be terminated by a dissolution of marriage 795
under sections 3105.61 to 3105.65 of the Revised Code. 796

(B) It cannot be annulled under sections 3105.31 and 3105.32 797
of the Revised Code. 798

(C) It cannot be terminated by a divorce unless there is a 799
complete and total breach of the marital covenant as evidenced by 800
a ground listed in section 3105.012 of the Revised Code and, 801
except for the ground listed in division (B)(7) of that section, 802
unless the party who has not breached the marital covenant seeks 803
the termination of the marriage. 804

(D) A legal separation of the parties only may be granted 805
under the circumstances listed in division (B) of section 3105.172 806
of the Revised Code. 807

Sec. 3101.23. A covenant marriage is subject to the following 808
statutory provisions: 809

(A) The provisions of sections 3101.20 to 3101.23, 3105.012, 810
3105.092, and 3105.172 of the Revised Code that apply exclusively 811
to covenant marriages; 812

(B) All other provisions of the Revised Code that do not 813
conflict with the provisions referred to in division (A) of this 814
section and that pertain to the following: 815

(1) The entering into or the termination of marriages in this 816
state; 817

(2) The rights, duties, responsibilities, and privileges of 818
spouses, former spouses, and parents, including, but not limited 819

to, those referred to in Chapters 2317., 3103., 3105., 3107., 820
3109., 3111., 3113., 3115., 3117., 3119., 3121., 3123., and 3125. 821
of the Revised Code. 822

Sec. 3101.26. As used in sections 3101.26 to 3101.29 of the 823
Revised Code: 824

(A) "Covenant marriage" means a marriage that is subject to 825
the statutory provisions listed in section 3101.23 of the Revised 826
Code. 827

(B) "Postmarital counseling" means the type of counseling 828
described in division (C) of section 3101.27 of the Revised Code. 829

(C) "Postmarital declaration of covenant marriage intent" 830
means the document described in division (B) of section 3101.27 of 831
the Revised Code. 832

(D) "Preexisting marriage that has been redesignated as a 833
covenant marriage" means a marriage to which the following apply 834
or the parties to which the following apply: 835

(1) The marriage was entered into in this state prior to, on, 836
or after the effective date of this section between a male person 837
and a female person described in division (A)(2) of section 838
3101.20 of the Revised Code, was solemnized by an authorized 839
individual listed in section 3101.08 of the Revised Code, and 840
continues to be a valid marriage on the date of the filing of a 841
petition to redesignate the marriage as a covenant marriage that 842
is accompanied by a postmarital declaration of covenant marriage 843
intent and a statement of postmarital counseling. 844

(2) The parties to the marriage referred to in division 845
(D)(1) of this section execute a postmarital declaration of 846
covenant marriage intent that indicates their understanding that 847
their marriage involves a lifelong relationship and that, on and 848
after the date that the probate court takes the actions described 849

in divisions (B)(1) and (2) of section 2101.241 of the Revised 850
Code, the marriage termination, annulment of marriage, and legal 851
separation provisions of section 3101.22 of the Revised Code will 852
apply to their marriage, and their marriage otherwise will be 853
treated as if it was a covenant marriage entered into on or after 854
the effective date of this section. 855

(3) The parties to the marriage referred to in division 856
(D)(1) of this section receive postmarital counseling prior to the 857
filing of the postmarital declaration of covenant marriage intent. 858

Sec. 3101.27. The husband and wife in a marriage described in 859
division (D)(1) of section 3101.26 of the Revised Code may cause 860
their marriage to be redesignated as a covenant marriage at any 861
time after the effective date of this section by doing all of the 862
following: 863

(A) Submitting the following petition to the probate court in 864
which the spouses previously filed their application for a 865
marriage license in accordance with section 3101.05 of the Revised 866
Code: 867

"PETITION TO REDESIGNATE OUR MARRIAGE AS A COVENANT MARRIAGE 868

We, [insert the names of the husband and wife 869
as set forth in their marriage license application, followed in 870
parentheses by any different names by which they currently are 871
known], petition this court pursuant to section 3101.27 of the 872
Ohio Revised Code to amend the certificate of our marriage that 873
was filed with this court by [insert the name 874
of the individual listed in section 3101.08 of the Ohio Revised 875
Code who solemnized the marriage] in, [insert month 876
and year, if known] to indicate, by stamping or typing the words 877
"COVENANT MARRIAGE" on that certificate, that on and after the 878
date that this court takes the actions described in divisions 879
(B)(1) and (2) of section 2101.241 of the Revised Code our 880

marriage will be treated as if it is a covenant marriage entered 881
into on or after the enactment of sections 3101.20 to 3101.23 of 882
the Ohio Revised Code. 883

..... 884

(Signature of Husband) 885

..... 886

(Signature of Wife) 887

..... 888

(Date)" 889

(B) Attaching to the petition described in division (A) of 890
this section a copy of the spouses' certificate of marriage and a 891
postmarital declaration of covenant marriage intent in the 892
following form or in substantially the following form: 893

"POSTMARITAL DECLARATION OF COVENANT MARRIAGE INTENT 894

We, [insert names of the husband and wife as 895
set forth in the petition], solemnly declare that our marriage is 896
a covenant between a man and a woman who have agreed to live 897
together as husband and wife for as long as we both shall live. We 898
chose each other carefully and have disclosed to each other over 899
time everything that could adversely affect the decision to 900
redesignate our marriage as a covenant marriage. 901

We understand that our marriage has been and continues to be 902
a lifelong relationship; that, on and after the redesignation of 903
our marriage as a covenant marriage, our marriage cannot be 904
terminated by a dissolution of marriage under sections 3105.61 to 905
3105.65 of the Ohio Revised Code; that, on and after the 906
redesignation of our marriage as a covenant marriage, our marriage 907
cannot be annulled under sections 3105.31 and 3105.32 of the Ohio 908
Revised Code; that, on and after the redesignation of our marriage 909
as a covenant marriage, our marriage cannot be terminated by a 910
divorce unless there is a complete and total breach of our marital 911
covenant as evidenced by a ground listed in section 3105.012 of 912

the Ohio Revised Code and generally unless the spouse who has not
breached the marital covenant seeks the termination of our
marriage; and that, on and after the redesignation of our marriage
as a covenant marriage, a legal separation may not be granted to
either of us except under the circumstances listed in section
3105.172 of the Ohio Revised Code. If we experience marital
difficulties on and after the redesignation of our marriage as a
covenant marriage, we commit ourselves to make all reasonable
efforts to preserve our marriage, including, but not limited to,
engaging in marital counseling.

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We have received the statutorily required postmarital
counseling with respect to the nature and purposes of a covenant
marriage and the responsibilities of the parties to a covenant
marriage. We also have read and comprehend the provisions of
sections 3101.20 to 3101.23, 3105.012, 3105.092, and 3105.172 of
the Ohio Revised Code that pertain to covenant marriages, the
provisions of sections 3101.26 to 3101.29 of the Ohio Revised Code
that pertain to redesignating a marriage as a covenant marriage,
and the booklet that the Ohio Attorney General prepared pursuant
to section 109.021 of the Ohio Revised Code.

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Thus, having so prepared ourselves for a covenant marriage
and with full knowledge of what a covenant marriage means, we
solemnly declare that, on and after its redesignation, our
marriage will be a covenant marriage bound by the relevant
provisions of Ohio law, and we promise to love, honor, and care
for each other as husband and wife for the rest of our lives.

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(Signature of Husband)

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(Signature of Wife)

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(Date)"

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(C) Receiving postmarital counseling that emphasizes the nature and purposes of a covenant marriage and the responsibilities of the parties to a covenant marriage from a marriage counselor or a rabbi, priest, or other regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect. The postmarital counseling shall include, but is not necessarily limited to, a discussion of the topics listed in divisions (C)(1) to (5) of section 3101.21 of the Revised Code. 945
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(D) Reading and comprehending the provisions of sections 3101.20 to 3101.23, 3105.012, 3105.092, and 3105.172 of the Revised Code that pertain to covenant marriages, the provisions of sections 3101.26 to 3101.29 of the Revised Code that pertain to redesignating a marriage as a covenant marriage, and the booklet that the attorney general prepared pursuant to section 109.021 of the Revised Code; 954
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(E) Attaching to the petition described in division (A) of this section a statement that is executed in part by the spouses and in part by the marriage counselor, rabbi, priest, or minister referred to in division (C) of this section who provided the spouses with postmarital counseling and that is in the following form or substantially in the following form: 961
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"STATEMENT OF POSTMARITAL COUNSELING 967

PART I: PETITIONERS' PORTION 968

We, [insert the names of the husband and wife as set forth in the petition], declare that we have received the statutorily required postmarital counseling that is a condition precedent to the redesignation of our marriage as a covenant marriage in the state of Ohio. 969
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(Signature of Husband) 975

..... 976

(Signature of Wife) 977

..... 978

(Date) 979

PART II: POSTMARITAL COUNSELOR PORTION 980

I, [insert the name of the rabbi, priest, 981
minister, or marriage counselor referred to in division (C) of 982
section 3101.27 of the Ohio Revised Code], declare that I provided 983
postmarital counseling to [insert the names of the 984
husband and wife as set forth in the petition] as a condition 985
precedent to their redesignation of their marriage as a covenant 986
marriage in the state of Ohio, that the postmarital counseling 987
consisted at least of a discussion of the topics listed in 988
divisions (C)(1) to (5) of section 3101.21 of the Ohio Revised 989
Code, and that, unless those individuals previously received a 990
copy of the booklet that the Ohio Attorney General prepared 991
pursuant to section 109.021 of the Ohio Revised Code, I provided 992
them with a copy of that booklet. 993

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..... 997

(Signature, Printed Name, Title, 998

and Address of the Individual Who
Provided the Postmarital
Counseling)

..... 999

(Date)" 1000

(F) Paying the fee, if any, prescribed by rule of the probate 1001
court pursuant to division (H)(2) of section 2101.16 of the 1002
Revised Code for the services associated with a preexisting 1003
marriage that has been redesignated as a covenant marriage 1004
pursuant to the procedures of this section and division (B) of 1005

section 2101.241 of the Revised Code.

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Sec. 3101.28. Notwithstanding any contrary provision of the Revised Code or a rule of court that generally pertains to the termination or annulment of a marriage in this state, on and after the date that a probate court takes the actions described in divisions (B)(1) and (2) of section 2101.241 of the Revised Code in connection with a marriage described in division (D)(1) of section 3101.26 of the Revised Code that was the subject of a petition under section 3101.27 of the Revised Code for redesignation as a covenant marriage, the provisions of section 3101.22 of the Revised Code shall apply to the marriage.

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Sec. 3101.29. (A) A marriage described in division (D)(1) of section 3101.26 of the Revised Code that has been redesignated as a covenant marriage pursuant to the procedures of division (B) of section 2101.241 and section 3101.27 of the Revised Code is subject to the statutory provisions listed in section 3101.23 of the Revised Code.

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(B) No petitioner for the redesignation of a marriage described in division (D)(1) of section 3101.26 of the Revised Code as a covenant marriage pursuant to the procedures of division (B) of section 2101.241 and section 3101.27 of the Revised Code shall knowingly make a false statement in the petition, postmarital declaration of covenant marriage intent, or statement of postmarital counseling described in section 3101.27 of the Revised Code. Whoever violates this division is guilty of falsification under section 2921.13 of the Revised Code.

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Sec. 3101.99. (A) Whoever violates division (B) of section 3101.05 or 3101.29 of the Revised Code is guilty of a violation of section 2921.13 of the Revised Code. Whoever violates any other provision of section 3101.05 of the Revised Code other than

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division (B) of that section is guilty of a minor misdemeanor. 1036

(B) Whoever violates section 3101.09 of the Revised Code 1037
shall be fined five hundred dollars and imprisoned not more than 1038
six months. 1039

(C) Whoever violates division (A) of section 3101.13 of the 1040
Revised Code shall be fined not more than fifty dollars. 1041

Sec. 3103.01. Husband and wife contract towards each other 1042
obligations of mutual respect, fidelity, and support. In addition, 1043
a husband and wife in a covenant marriage and a husband and wife 1044
in a marriage described in division (D)(1) of section 3101.26 of 1045
the Revised Code that has been redesignated as a covenant marriage 1046
pursuant to the procedures of division (B) of section 2101.241 and 1047
section 3101.27 of the Revised Code contract to be bound by the 1048
termination of marriage and legal separation limitations and the 1049
annulment of marriage prohibition described in section 3101.22 of 1050
the Revised Code and to be subject to the statutory provisions 1051
listed in section 3101.23 of the Revised Code. 1052

Sec. 3103.06. A (A) Subject to division (B) of this section, 1053
a husband and wife cannot, by any contract with each other, cannot 1054
alter their legal relations, except that they may agree to an 1055
immediate separation and make provisions for the support of either 1056
of them and their children during the separation. 1057

(B) Division (A) of this section does not preclude a husband 1058
and wife in a marriage described in division (D)(1) of section 1059
3101.26 of the Revised Code from petitioning to have the marriage 1060
redesignated as a covenant marriage pursuant to the procedures of 1061
division (B) of section 2101.241 and section 3101.27 of the 1062
Revised Code or from agreeing in their postmarital declaration of 1063
covenant marriage intent described in division (D)(2) of section 1064
3101.26 of the Revised Code to be bound by the termination of 1065

marriage and legal separation limitations and the annulment of 1066
marriage prohibition described in section 3101.22 of the Revised 1067
Code and to be subject to the statutory provisions listed in 1068
section 3101.23 of the Revised Code. 1069

Sec. 3105.01. The Except as provided in section 3105.012 of 1070
the Revised Code, the court of common pleas may grant divorces for 1071
the following causes: 1072

(A) Either party had a husband or wife living at the time of 1073
the marriage from which the divorce is sought; 1074

(B) Willful absence of the adverse party for one year; 1075

(C) Adultery; 1076

(D) Extreme cruelty; 1077

(E) Fraudulent contract; 1078

(F) Any gross neglect of duty; 1079

(G) Habitual drunkenness; 1080

(H) Imprisonment of the adverse party in a state or federal 1081
correctional institution at the time of filing the complaint; 1082

(I) Procurement of a divorce outside this state, by a husband 1083
or wife, by virtue of which the party who procured it is released 1084
from the obligations of the marriage, while those obligations 1085
remain binding upon the other party; 1086

(J) On the application of either party, when husband and wife 1087
~~have~~, without interruption for one year, have lived separate and 1088
apart without cohabitation; 1089

(K) Incompatibility, unless denied by either party. 1090

A plea of res judicata or of recrimination with respect to 1091
any provision of this section does not bar either party from 1092
obtaining a divorce on this ground. 1093

Sec. 3105.012. (A) As used in this section, "covenant marriage" has the same meaning as in section 3101.20 of the Revised Code and also includes a marriage described in division (D)(1) of section 3101.26 of the Revised Code that has been redesignated as a covenant marriage pursuant to the procedures of division (B) of section 2101.241 and section 3101.27 of the Revised Code. 1094
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(B) The court of common pleas may grant a divorce in connection with a covenant marriage only if there has been a complete and total breach of the marital covenant of the parties to the marriage as evidenced by one or more of the following causes and, except as provided in division (B)(7) of this section, only if the nonbreaching party is the complainant in the action: 1101
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(1) The other party had a husband or wife living at the time of the marriage; 1107
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(2) The willful absence of the other party for one year; 1109

(3) The adultery of the other party; 1110

(4) Extreme cruelty of the other party, including, but not limited to, the other party's physical or sexual abuse of the nonbreaching party or a child of either party; 1111
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(5) Imprisonment of the other party in a state or federal correctional institution at the time of the filing of the complaint for divorce; 1114
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(6) Procurement of a divorce outside this state by the other party by virtue of which the other party is released of the obligations of the marriage, while those obligations remain binding upon the nonbreaching party; 1117
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(7) The parties, without interruption for two years if they do not have a minor child or minor children or without interruption for two years and six months if they have a minor 1121
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child or minor children, have lived separate and apart without 1124
cohabitation and, despite engaging in marriage counseling and 1125
making all other reasonable efforts to preserve the marriage, 1126
without reconciliation. Either party may be a complainant in an 1127
action for divorce based on this ground. 1128

(8) Habitual drunkenness of the other party. 1129

Sec. 3105.08. At (A) Except as provided in division (B) of 1130
this section, at any time before a final judgment is entered in a 1131
divorce action, the spouses may convert the action for divorce 1132
into an action for dissolution of marriage by filing a motion with 1133
the court in which the divorce action is pending for conversion of 1134
the divorce action. The motion shall contain a petition for 1135
dissolution of marriage that satisfies the requirements of section 1136
3105.63 of the Revised Code. The action for dissolution of 1137
marriage then shall proceed in accordance with sections 3105.61 to 1138
3105.65 of the Revised Code with both spouses designated as 1139
petitioners. No court fees or costs normally charged upon the 1140
filing of an action shall be charged upon the conversion of the 1141
action for divorce into an action for dissolution of marriage 1142
under this ~~section~~ division. 1143

(B) If a covenant marriage, as defined in section 3105.012 of 1144
the Revised Code, is the subject of a divorce action, that action 1145
may not be converted into an action for dissolution of marriage 1146
pursuant to division (A) of this section. 1147

Sec. 3105.091. (A) At Except as provided in section 3105.092 1148
of the Revised Code, at any time after thirty days from the 1149
service of summons or first publication of notice in an action for 1150
divorce, annulment, or legal separation, or at any time after the 1151
filing of a petition for dissolution of marriage, the court of 1152
common pleas, upon its own motion or the motion of one of the 1153

parties, may order the parties to undergo conciliation for the 1154
period of time not exceeding ninety days as the court specifies, 1155
and, if children are involved in the proceeding, the court may 1156
order the parties to take part in family counseling during the 1157
course of the proceeding or for any reasonable period of time as 1158
directed by the court. An order requiring conciliation shall set 1159
forth the conciliation procedure and name the conciliator. The 1160
conciliation procedures may include without limitation referrals 1161
to the conciliation judge as provided in Chapter 3117. of the 1162
Revised Code, public or private marriage counselors, family 1163
service agencies, community health services, physicians, licensed 1164
psychologists, or ~~clergymen~~ members of the clergy. The court, in 1165
its order requiring the parties to undergo family counseling, may 1166
name the counselor and shall set forth the required type of 1167
counseling, the length of time for the counseling, and any other 1168
specific conditions required by it. The court shall direct and 1169
order the manner in which the costs of any conciliation procedures 1170
and of any family counseling are to be paid. 1171

(B) No action for divorce, annulment, or legal separation, in 1172
which conciliation or family counseling has been ordered under 1173
this section, shall be heard or decided until the conciliation or 1174
family counseling has concluded and been reported to the court. 1175

Sec. 3105.092. (A) As used in this section, "covenant 1176
marriage" has the same meaning as in section 3105.012 of the 1177
Revised Code. 1178

(B) At any time after thirty days from the service of summons 1179
or first publication of notice in an action for divorce involving 1180
a covenant marriage under section 3105.012 of the Revised Code or 1181
an action for legal separation involving a covenant marriage under 1182
section 3105.172 of the Revised Code, the court of common pleas 1183
shall order the parties to undergo marital counseling and, if 1184

children are involved in the proceeding, to take part in family counseling, during the course of the proceeding or for any reasonable period of time as directed by the court. The court, in its order requiring the parties to undergo marital counseling or to take part in family counseling, shall set forth the type of counseling required, the counseling procedures, the length of time for the counseling, the manner in which the costs of the counseling are to be paid, and any other specific conditions required by it. The counseling procedures may include without limitation referrals to the conciliation judge as provided in Chapter 3117. of the Revised Code. The court, in its order requiring the parties to undergo marital counseling or to take part in family counseling, may name the marriage counselor, family counselor, or a rabbi, priest, or other regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect who will provide the marital or family counseling.

(C) No action for divorce or legal separation involving a covenant marriage under section 3105.012 or 3105.172 of the Revised Code shall be heard or decided until the marital counseling or family counseling ordered by the court under this section has concluded and the results of the counseling have been reported to the court.

Sec. 3105.10. (A) The court of common pleas shall hear any of the causes for divorce or annulment charged in the complaint and ~~may~~, consistent with the permissible grounds for a divorce or annulment set forth in section 3105.01, 3105.012, or 3105.31 of the Revised Code and upon proof to the satisfaction of the court, ~~may~~ pronounce the marriage contract dissolved and both of the parties released from their obligations.

(B)(1) A separation agreement providing for the support of

children eighteen years of age or older is enforceable by the 1216
court of common pleas. 1217

(2) A separation agreement that was voluntarily entered into 1218
by the parties may be enforceable by the court of common pleas 1219
upon the motion of either party to the agreement, if the court 1220
determines that it would be in the interests of justice and equity 1221
to require enforcement of the separation agreement. 1222

(3) If a court of common pleas has a division of domestic 1223
relations, all cases brought for enforcement of a separation 1224
agreement under division (B)(1) or (2) of this section shall be 1225
assigned to the judges of that division. 1226

(C) A plea of condonation or recrimination is not a bar to a 1227
divorce. 1228

(D) Upon the granting of a divorce, on a complaint or 1229
counterclaim, by force of the judgment, each party shall be barred 1230
of all right of dower in real estate situated within this state of 1231
which the other was seized at any time during coverture. 1232

(E) Upon the granting of a judgment for legal separation, 1233
~~when by the force of the judgment that grants~~ real estate is 1234
~~granted~~ to one party, the other party is barred of all right of 1235
dower in the real estate and the court may provide that each party 1236
shall be barred of all rights of dower in the real estate acquired 1237
by either party at any time subsequent to the judgment. 1238

(F) "Dower," as used in this section, has the same meaning 1239
~~set forth~~ as in section 2103.02 of the Revised Code. 1240

Sec. 3105.17. (A) ~~Either~~ Except as provided in section 1241
3105.012 or 3105.172 of the Revised Code, either party to the 1242
marriage may file a complaint for divorce or for legal separation, 1243
~~and when.~~ When the complaint is filed, the other party may file a 1244
counterclaim for divorce or for legal separation. The court of 1245

common pleas may grant divorces for the causes set forth in 1246
section 3105.01 or 3105.012 of the Revised Code, whichever section 1247
applies to the marriage involved. The Except as provided in 1248
section 3105.172 of the Revised Code, the court of common pleas 1249
may grant a legal separation on a complaint or counterclaim, 1250
regardless of whether the parties are living separately at the 1251
time the complaint or counterclaim is filed, for the following 1252
causes: 1253

(1) Either party had a husband or wife living at the time of 1254
the marriage from which legal separation is sought; 1255

(2) Willful absence of the adverse party for one year; 1256

(3) Adultery; 1257

(4) Extreme cruelty; 1258

(5) Fraudulent contract; 1259

(6) Any gross neglect of duty; 1260

(7) Habitual drunkenness; 1261

(8) Imprisonment of the adverse party in a state or federal 1262
correctional institution at the time of filing the complaint; 1263

(9) On the application of either party, when husband and wife 1264
~~have~~, without interruption for one year, have lived separate and 1265
apart without cohabitation; 1266

(10) Incompatibility, unless denied by either party. 1267

(B) The filing of a complaint or counterclaim for legal 1268
separation or the granting of a decree of legal separation under 1269
this section does not bar either party from filing a complaint or 1270
counterclaim for a divorce or annulment or obtaining a divorce or 1271
annulment. 1272

Sec. 3105.171. (A) As used in this section: 1273

(1) "Distributive award" means any payment or payments, in 1274
real or personal property, that are payable in a lump sum or over 1275
time, in fixed amounts, that are made from separate property or 1276
income, and that are not made from marital property and do not 1277
constitute payments of spousal support, as defined in section 1278
3105.18 of the Revised Code. 1279

(2) "During the marriage" means whichever of the following is 1280
applicable: 1281

(a) Except as provided in division (A)(2)(b) of this section, 1282
the period of time from the date of the marriage through the date 1283
of the final hearing in an action for divorce or in an action for 1284
legal separation; 1285

(b) If the court determines that the use of either or both of 1286
the dates specified in division (A)(2)(a) of this section would be 1287
inequitable, the court may select dates that it considers 1288
equitable in determining marital property. If the court selects 1289
dates that it considers equitable in determining marital property, 1290
"during the marriage" means the period of time between those dates 1291
selected and specified by the court. 1292

(3)(a) "Marital property" means, subject to division 1293
(A)(3)(b) of this section, all of the following: 1294

(i) All real and personal property that currently is owned by 1295
either or both of the spouses, including, but not limited to, the 1296
retirement benefits of the spouses, and that was acquired by 1297
either or both of the spouses during the marriage; 1298

(ii) All interest that either or both of the spouses 1299
currently has in any real or personal property, including, but not 1300
limited to, the retirement benefits of the spouses, and that was 1301
acquired by either or both of the spouses during the marriage; 1302

(iii) Except as otherwise provided in this section, all 1303

income and appreciation on separate property, due to the labor, 1304
monetary, or in-kind contribution of either or both of the spouses 1305
that occurred during the marriage; 1306

(iv) A participant account, as defined in section 148.01 of 1307
the Revised Code, of either of the spouses, to the extent of the 1308
following: the moneys that have been deferred by a continuing 1309
member or participating employee, as defined in that section, and 1310
that have been transmitted to the Ohio public employees deferred 1311
compensation board during the marriage and any income that is 1312
derived from the investment of those moneys during the marriage; 1313
the moneys that have been deferred by an officer or employee of a 1314
municipal corporation and that have been transmitted to the 1315
governing board, administrator, depository, or trustee of the 1316
deferred compensation program of the municipal corporation during 1317
the marriage and any income that is derived from the investment of 1318
those moneys during the marriage; or the moneys that have been 1319
deferred by an officer or employee of a government unit, as 1320
defined in section 148.06 of the Revised Code, and that have been 1321
transmitted to the governing board, as defined in that section, 1322
during the marriage and any income that is derived from the 1323
investment of those moneys during the marriage. 1324

(b) "Marital property" does not include any separate 1325
property. 1326

(4) "Passive income" means income acquired other than as a 1327
result of the labor, monetary, or in-kind contribution of either 1328
spouse. 1329

(5) "Personal property" includes both tangible and intangible 1330
personal property. 1331

(6)(a) "Separate property" means all real and personal 1332
property and any interest in real or personal property that is 1333
found by the court to be any of the following: 1334

(i) An inheritance by one spouse by bequest, devise, or descent during the course of the marriage;	1335 1336
(ii) Any real or personal property or interest in real or personal property that was acquired by one spouse prior to the date of the marriage;	1337 1338 1339
(iii) Passive income and appreciation acquired from separate property by one spouse during the marriage;	1340 1341
(iv) Any real or personal property or interest in real or personal property acquired by one spouse after a decree of legal separation issued under section 3105.17 <u>or 3107.172</u> of the Revised Code;	1342 1343 1344 1345
(v) Any real or personal property or interest in real or personal property that is excluded by a valid antenuptial agreement;	1346 1347 1348
(vi) Compensation to a spouse for the spouse's personal injury, except for loss of marital earnings and compensation for expenses paid from marital assets;	1349 1350 1351
(vii) Any gift of any real or personal property or of an interest in real or personal property that is made after the date of the marriage and that is proven by clear and convincing evidence to have been given to only one spouse.	1352 1353 1354 1355
(b) The commingling of separate property with other property of any type does not destroy the identity of the separate property as separate property, except when the separate property is not traceable.	1356 1357 1358 1359
(B) In divorce proceedings, the court shall, and in legal separation proceedings upon the request of either spouse, the court may, determine what constitutes marital property and what constitutes separate property. In either case, upon making such a determination, the court shall divide the marital and separate	1360 1361 1362 1363 1364

property equitably between the spouses, in accordance with this 1365
section. For purposes of this section, the court has jurisdiction 1366
over all property in which one or both spouses have an interest. 1367

(C)(1) Except as provided in this division or division (E) of 1368
this section, the division of marital property shall be equal. If 1369
an equal division of marital property would be inequitable, the 1370
court shall not divide the marital property equally but instead 1371
shall divide it between the spouses in the manner the court 1372
determines equitable. In making a division of marital property, 1373
the court shall consider all relevant factors, including those set 1374
forth in division (F) of this section. 1375

(2) Each spouse shall be considered to have contributed 1376
equally to the production and acquisition of marital property. 1377

(3) The court shall provide for an equitable division of 1378
marital property under this section prior to making any award of 1379
spousal support to either spouse under section 3105.18 of the 1380
Revised Code and without regard to any spousal support so awarded. 1381

(4) If the marital property includes a participant account, 1382
as defined in section 148.01 of the Revised Code, the court shall 1383
not order the division or disbursement of the moneys and income 1384
described in division (A)(3)(a)(iv) of this section to occur in a 1385
manner that is inconsistent with the law, rules, or plan governing 1386
the deferred compensation program involved or prior to the time 1387
that the spouse in whose name the participant account is 1388
maintained commences receipt of the moneys and income credited to 1389
the account in accordance with that law, rules, and plan. 1390

(D) Except as otherwise provided in division (E) of this 1391
section or by another provision of this section, the court shall 1392
disburse a spouse's separate property to that spouse. If a court 1393
does not disburse a spouse's separate property to that spouse, the 1394
court shall make written findings of fact that explain the factors 1395

that it considered in making its determination that the spouse's separate property should not be disbursed to that spouse.

(E)(1) The court may make a distributive award to facilitate, effectuate, or supplement a division of marital property. The court may require any distributive award to be secured by a lien on the payor's specific marital property or separate property.

(2) The court may make a distributive award in lieu of a division of marital property in order to achieve equity between the spouses, if the court determines that a division of the marital property in kind or in money would be impractical or burdensome.

(3) If a spouse has engaged in financial misconduct, including, but not limited to, the dissipation, destruction, concealment, or fraudulent disposition of assets, the court may compensate the offended spouse with a distributive award or with a greater award of marital property.

(F) In making a division of marital property and in determining whether to make and the amount of any distributive award under this section, the court shall consider all of the following factors:

(1) The duration of the marriage;

(2) The assets and liabilities of the spouses;

(3) The desirability of awarding the family home, or the right to reside in the family home for reasonable periods of time, to the spouse with custody of the children of the marriage;

(4) The liquidity of the property to be distributed;

(5) The economic desirability of retaining intact an asset or an interest in an asset;

(6) The tax consequences of the property division upon the respective awards to be made to each spouse;

(7) The costs of sale, if it is necessary that an asset be sold to effectuate an equitable distribution of property;	1426 1427
(8) Any division or disbursement of property made in a separation agreement that was voluntarily entered into by the spouses;	1428 1429 1430
(9) Any other factor that the court expressly finds to be relevant and equitable.	1431 1432
(G) In any order for the division or disbursement of property or a distributive award made pursuant to this section, the court shall make written findings of fact that support the determination that the marital property has been equitably divided and shall specify the dates it used in determining the meaning of "during the marriage."	1433 1434 1435 1436 1437 1438
(H) Except as otherwise provided in this section, the holding of title to property by one spouse individually or by both spouses in a form of co-ownership does not determine whether the property is marital property or separate property.	1439 1440 1441 1442
(I) A division or disbursement of property or a distributive award made under this section is not subject to future modification by the court.	1443 1444 1445
(J) The court may issue any orders under this section that it determines equitable, including, but not limited to, either of the following types of orders:	1446 1447 1448
(1) An order granting a spouse the right to use the marital dwelling or any other marital property or separate property for any reasonable period of time;	1449 1450 1451
(2) An order requiring the sale or encumbrancing of any real or personal property, with the proceeds from the sale and the funds from any loan secured by the encumbrance to be applied as determined by the court.	1452 1453 1454 1455

Sec. 3105.172. (A) As used in this section, "covenant marriage" has the same meaning as in section 3101.20 of the Revised Code and also includes a marriage described in division (D)(1) of section 3101.26 of the Revised Code that has been redesignated as a covenant marriage pursuant to the procedures of division (B) of section 2101.241 and section 3101.27 of the Revised Code. 1456
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(B) The court of common pleas may grant a legal separation in connection with a covenant marriage only if there has been a complete and total breach of the marital covenant of the parties to the marriage as evidenced by one or more of the following causes and, except as provided in division (B)(6) of this section, only if the nonbreaching party is the complainant in the action: 1463
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(1) The other party had a husband or wife living at the time of the marriage. 1469
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(2) The willful absence of the other party for one year; 1471

(3) The adultery of the other party; 1472

(4) Extreme cruelty of the other party, including, but not limited to, the other party's physical or sexual abuse of the nonbreaching party or a child of either party; 1473
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(5) Imprisonment of the other party in a state or federal correctional institution at the time of the filing of the complaint for legal separation; 1476
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(6) The parties, without interruption for one year if they do not have a minor child or minor children or without interruption for one year and six months if they have a minor child or minor children, have lived separate and apart without cohabitation and, despite engaging in marriage counseling and making all other reasonable efforts to preserve the marriage, without reconciliation. Either party may be a complainant in an action for 1479
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<u>legal separation based on this ground.</u>	1486
<u>(7) Habitual drunkenness of the other party.</u>	1487
Sec. 3105.18. (A) As used in this section, "spousal support"	1488
means any payment or payments to be made to a spouse or former	1489
spouse, or to a third party for the benefit of a spouse or a	1490
former spouse, that is both for sustenance and for support of the	1491
spouse or former spouse. "Spousal support" does not include any	1492
payment made to a spouse or former spouse, or to a third party for	1493
the benefit of a spouse or former spouse, that is made as part of	1494
a division or distribution of property or a distributive award	1495
under section 3105.171 of the Revised Code.	1496
(B) In divorce and legal separation proceedings, upon the	1497
request of either party and after the court determines the	1498
division or disbursement of property under section 3105.171 of the	1499
Revised Code, the court of common pleas may award reasonable	1500
spousal support to either party. During the pendency of any	1501
divorce, or legal separation proceeding, the court may award	1502
reasonable temporary spousal support to either party.	1503
An award of spousal support may be allowed in real or	1504
personal property, or both, or by decreeing a sum of money,	1505
payable either in gross or by installments, from future income or	1506
otherwise, as the court considers equitable.	1507
Any award of spousal support made under this section shall	1508
terminate upon the death of either party, unless the order	1509
containing the award expressly provides otherwise.	1510
(C)(1) In determining whether spousal support is appropriate	1511
and reasonable, and in determining the nature, amount, and terms	1512
of payment, and duration of spousal support, which is payable	1513
either in gross or in installments, the court shall consider all	1514
of the following factors:	1515

(a) The income of the parties, from all sources, including,	1516
but not limited to, income derived from property divided,	1517
disbursed, or distributed under section 3105.171 of the Revised	1518
Code;	1519
(b) The relative earning abilities of the parties;	1520
(c) The ages and the physical, mental, and emotional	1521
conditions of the parties;	1522
(d) The retirement benefits of the parties;	1523
(e) The duration of the marriage;	1524
(f) The extent to which it would be inappropriate for a	1525
party, because that party will be custodian of a minor child of	1526
the marriage, to seek employment outside the home;	1527
(g) The standard of living of the parties established during	1528
the marriage;	1529
(h) The relative extent of education of the parties;	1530
(i) The relative assets and liabilities of the parties,	1531
including but not limited to any court-ordered payments by the	1532
parties;	1533
(j) The contribution of each party to the education,	1534
training, or earning ability of the other party, including, but	1535
not limited to, any party's contribution to the acquisition of a	1536
professional degree of the other party;	1537
(k) The time and expense necessary for the spouse who is	1538
seeking spousal support to acquire education, training, or job	1539
experience so that the spouse will be qualified to obtain	1540
appropriate employment, provided the education, training, or job	1541
experience, and employment is, in fact, sought;	1542
(l) The tax consequences, for each party, of an award of	1543
spousal support;	1544

(m) The lost income production capacity of either party that 1545
resulted from that party's marital responsibilities; 1546

(n) Any other factor that the court expressly finds to be 1547
relevant and equitable. 1548

(2) In determining whether spousal support is reasonable and 1549
in determining the amount and terms of payment of spousal support, 1550
each party shall be considered to have contributed equally to the 1551
production of marital income. 1552

(D) In an action brought solely for an order for legal 1553
separation under section 3105.17 or 3107.172 of the Revised Code, 1554
any continuing order for periodic payments of money entered 1555
pursuant to this section is subject to further order of the court 1556
upon changed circumstances of either party. 1557

(E) If a continuing order for periodic payments of money as 1558
alimony is entered in a divorce or dissolution of marriage action 1559
that is determined on or after May 2, 1986, and before January 1, 1560
1991, or if a continuing order for periodic payments of money as 1561
spousal support is entered in a divorce or dissolution of marriage 1562
action that is determined on or after January 1, 1991, the court 1563
that enters the decree of divorce or dissolution of marriage does 1564
not have jurisdiction to modify the amount or terms of the alimony 1565
or spousal support unless the court determines that the 1566
circumstances of either party have changed and unless one of the 1567
following applies: 1568

(1) In the case of a divorce, the decree or a separation 1569
agreement of the parties to the divorce that is incorporated into 1570
the decree contains a provision specifically authorizing the court 1571
to modify the amount or terms of alimony or spousal support. 1572

(2) In the case of a dissolution of marriage, the separation 1573
agreement that is approved by the court and incorporated into the 1574
decree contains a provision specifically authorizing the court to 1575

modify the amount or terms of alimony or spousal support. 1576

(F) For purposes of divisions (D) and (E) of this section, a 1577
change in the circumstances of a party includes, but is not 1578
limited to, any increase or involuntary decrease in the party's 1579
wages, salary, bonuses, living expenses, or medical expenses. 1580

(G) If any person required to pay alimony under an order made 1581
or modified by a court on or after December 1, 1986, and before 1582
January 1, 1991, or any person required to pay spousal support 1583
under an order made or modified by a court on or after January 1, 1584
1991, is found in contempt of court for failure to make alimony or 1585
spousal support payments under the order, the court that makes the 1586
finding, in addition to any other penalty or remedy imposed, shall 1587
assess all court costs arising out of the contempt proceeding 1588
against the person and shall require the person to pay any 1589
reasonable attorney's fees of any adverse party, as determined by 1590
the court, that arose in relation to the act of contempt. 1591

Sec. 3105.31. A Except as provided in division (B) of section 1592
3101.22 and section 3101.28 of the Revised Code, a marriage may be 1593
annulled for any of the following causes existing at the time of 1594
the marriage: 1595

(A) That the party in whose behalf it is sought to have the 1596
marriage annulled was under the age at which persons may be joined 1597
in marriage as established by section 3101.01 of the Revised Code, 1598
unless after attaining ~~such~~ that age ~~such~~ the party cohabited with 1599
the other as husband or wife; 1600

(B) That the former husband or wife of either party was 1601
living and the marriage with ~~such~~ that former husband or wife was 1602
then and still is in force; 1603

(C) That either party has been adjudicated to be mentally 1604
incompetent, unless ~~such~~ that party after being restored to 1605

competency cohabited with the other as husband or wife; 1606

(D) That the consent of either party was obtained by fraud, 1607
unless ~~such~~ that party afterwards, with full knowledge of the 1608
facts constituting the fraud, cohabited with the other as husband 1609
or wife; 1610

(E) That the consent to the marriage of either party was 1611
obtained by force, unless ~~such~~ that party afterwards cohabited 1612
with the other as husband or wife; 1613

(F) That the marriage between the parties was never 1614
consummated although otherwise valid. 1615

Sec. 3105.61. ~~The~~ Except as provided in division (A) of 1616
section 3101.22 and section 3101.28 of the Revised Code, the court 1617
of common pleas may grant a dissolution of marriage. 1618

Sec. 3105.62. One of the spouses in an action for dissolution 1619
of marriage shall have been a resident of the state for at least 1620
six months immediately before filing the petition. Actions for 1621
dissolution of marriage shall be brought in the proper county for 1622
commencement of actions pursuant to the Rules of Civil Procedure. 1623
An action for dissolution of marriage may be brought pursuant to a 1624
motion for conversion of a divorce action into an action for 1625
dissolution of marriage pursuant to division (A) of section 1626
3105.08 of the Revised Code if that conversion is not prohibited 1627
by division (B) of that section. For purposes of service of 1628
process, both parties in an action for dissolution of marriage 1629
shall be considered as defendants and subject to service of 1630
process as defendants pursuant to the Rules of Civil Procedure. 1631

Sec. 3105.64. (A) Except as provided in division (B) of this 1632
section, not less than thirty ~~nor~~ or more than ninety days after 1633
the filing of a petition for dissolution of marriage, both spouses 1634

shall appear before the court, and each spouse shall acknowledge 1635
under oath that ~~he has~~ that spouse voluntarily entered into the 1636
separation agreement appended to the petition, that ~~he~~ that spouse 1637
is satisfied with its terms, and that ~~he~~ that spouse seeks 1638
dissolution of the marriage. 1639

(B) If an action for divorce is converted to an action for 1640
dissolution of marriage pursuant to division (A) of section 1641
3105.08 of the Revised Code, if division (B) of that section is 1642
not applicable to the marriage involved, and if the conversion 1643
occurs more than thirty days after the filing of the original 1644
~~petition~~ complaint in the divorce action, the appearance and 1645
acknowledgement requirements of division (A) of this section may 1646
be satisfied at the time of the conversion or at a time that is 1647
not more than ninety days after the conversion. 1648

Sec. 3105.65. (A) If, at the time of the hearing, either 1649
spouse is not satisfied with the separation agreement or does not 1650
wish a dissolution of the marriage and if neither spouse files a 1651
motion pursuant to division (C) of this section to convert the 1652
action to an action for divorce, the court shall dismiss the 1653
petition and refuse to validate the proposed separation agreement. 1654

(B) If, upon review of the testimony of both spouses and of 1655
the report of the investigator pursuant to the Rules of Civil 1656
Procedure, the court approves the separation agreement and any 1657
amendments to it agreed upon by the parties, it shall grant a 1658
decree of dissolution of marriage that incorporates the separation 1659
agreement. If the separation agreement contains a plan for the 1660
exercise of shared parenting by the spouses, the court shall 1661
review the plan in accordance with the provisions of division 1662
(D)(1) of section 3109.04 of the Revised Code that govern the 1663
review of a pleading or motion requesting shared parenting jointly 1664
submitted by both spouses to a marriage. A decree of dissolution 1665

of marriage has the same effect upon the property rights of the parties, including rights of dower and inheritance, as a decree of divorce. The court has full power to enforce its decree and retains jurisdiction to modify all matters pertaining to the allocation of parental rights and responsibilities for the care of the children, to the designation ~~of~~ of a residential parent and legal custodian of the children, to child support, to parenting time of parents with the children, and to visitation for persons who are not the children's parents. The court, only in accordance with division (E)(2) of section 3105.18 of the Revised Code, may modify the amount or terms of spousal support.

(C) At any time before a decree of dissolution of marriage has been granted under division (B) of this section, either spouse may convert the action for dissolution of marriage into a divorce action by filing a motion with the court in which the action for dissolution of marriage is pending for conversion of the action for dissolution of marriage. The motion shall contain a complaint for divorce that contains grounds for a divorce listed in section 3105.01 of the Revised Code and that otherwise complies with the Rules of Civil Procedure and this chapter. The divorce action then shall proceed in accordance with the Rules of Civil Procedure in the same manner as if the motion had been the original complaint in the action, including, but not limited to, the issuance and service of summons pursuant to Civil Rules 4 to 4.6, except that no court fees shall be charged upon conversion of the action for dissolution of marriage into a divorce action under this division.

Sec. 3107.03. The following persons may adopt:

(A) A husband and wife together, at least one of whom is an adult;

(B) An unmarried adult;

(C) The unmarried minor parent of the person to be adopted; 1696

(D) A married adult without the other spouse joining as a 1697
petitioner if any of the following ~~apply~~ applies: 1698

(1) The other spouse is a parent of the person to be adopted 1699
and supports the adoption~~+~~. 1700

(2) The petitioner and the other spouse are separated under 1701
section 3103.06 ~~or~~, 3105.17, or 3105.172 of the Revised Code~~+~~. 1702

(3) The failure of the other spouse to join in the petition 1703
or to support the adoption is found by the court to be by reason 1704
of prolonged unexplained absence, unavailability, incapacity, or 1705
circumstances that make it impossible or unreasonably difficult to 1706
obtain either the support or refusal of the other spouse. 1707

Sec. 3705.21. All marriages taking place within the state, 1708
all divorces, dissolutions of marriage, and annulments ~~of~~ 1709
~~marriages~~ decreed by a court of this state, ~~and~~ all corrections of 1710
certificates of marriage, and all amendments to certificates of 1711
marriage involving the redesignation of a marriage described in 1712
division (D)(1) of section 3101.26 of the Revised Code as a 1713
covenant marriage shall be registered with the office of vital 1714
statistics of the department of health. On or before the tenth day 1715
of each month, the probate judge of each county shall forward to 1716
the department on a form prescribed and furnished by the director 1717
of health a certified abstract of each marriage record made by the 1718
probate judge during the preceding month and a certified abstract 1719
of each journal entry and associated action taken under divisions 1720
(B)(1) and (2) of section 2101.241 of the Revised Code during the 1721
preceding month. 1722

The clerk of the court of common pleas, on or before the 1723
tenth day of each month, shall send to the department on a form to 1724
be prescribed and furnished by the director a certified abstract 1725

of all decrees of divorce, dissolution <u>of marriage</u> , and annulment	1726
of marriage and orders correcting certificates of marriage that	1727
the clerk recorded during the preceding month. The	1728
<u>The</u> office of vital statistics shall record and index all	1729
records received under this section.	1730
Sec. 3705.24. (A)(1) The public health council shall, in	1731
accordance with section 111.15 of the Revised Code, adopt rules	1732
prescribing fees for the following services provided by the state	1733
office of vital statistics:	1734
(a) Except as provided in division (A)(4) of this section:	1735
(i) A certified copy of a vital record or a certification of	1736
birth;	1737
(ii) A search by the office of vital statistics of its files	1738
and records pursuant to a request for information, regardless of	1739
whether a copy of a record is provided;	1740
(iii) A copy of a record provided pursuant to a request;	1741
(b) Replacement of a birth certificate following an adoption,	1742
legitimation, paternity determination or acknowledgement, or court	1743
order;	1744
(c) Filing of a delayed registration of a vital record;	1745
(d) Amendment of a vital record that is requested later than	1746
one year after the filing date of the vital record;	1747
(e) Any other documents or services for which the public	1748
health council considers the charging of a fee appropriate.	1749
(2) Fees prescribed under division (A)(1)(a) of this section	1750
shall not be less than seven dollars.	1751
(3) Fees prescribed under division (A)(1) of this section	1752
shall be collected in addition to any fee required by section	1753

3109.14 of the Revised Code. 1754

(4) Fees prescribed under division (A) of this section shall 1755
not apply to certifications issued under division (H) of this 1756
section or copies provided under section 3705.241 of the Revised 1757
Code. 1758

(B) In addition to the fees prescribed under division (A) of 1759
this section or section 3709.09 of the Revised Code, the office of 1760
vital statistics or the board of health of a city or general 1761
health district shall charge a five-dollar fee for each certified 1762
copy of a vital record and each certification of birth. This fee 1763
shall be deposited in the general operations fund created under 1764
section 3701.83 of the Revised Code and be used solely toward the 1765
modernization and automation of the system of vital records in 1766
this state. A board of health shall forward all fees collected 1767
under this division to the department of health not later than 1768
thirty days after the end of each calendar quarter. 1769

(C) Except as otherwise provided in division (H) of this 1770
section, and except as provided in section 3705.241 of the Revised 1771
Code, fees collected by the director of health under sections 1772
3705.01 to 3705.29 of the Revised Code shall be paid into the 1773
state treasury to the credit of the general operations fund 1774
created by section 3701.83 of the Revised Code. Except as provided 1775
in division (B) of this section, money generated by the fees shall 1776
be used only for administration and enforcement of this chapter 1777
and the rules adopted under it. Amounts submitted to the 1778
department of health for copies of vital records or services in 1779
excess of the fees imposed by this section shall be dealt with as 1780
follows: 1781

(1) An overpayment of two dollars or less shall be retained 1782
by the department and deposited in the state treasury to the 1783
credit of the general operations fund created by section 3701.83 1784

of the Revised Code. 1785

(2) An overpayment in excess of two dollars shall be returned 1786
to the person who made the overpayment. 1787

(D) If a local registrar is a salaried employee of a city or 1788
a general health district, any fees the local registrar receives 1789
pursuant to section 3705.23 of the Revised Code shall be paid into 1790
the general fund of the city or the health fund of the general 1791
health district. 1792

Each local registrar of vital statistics, or each health 1793
district where the local registrar is a salaried employee of the 1794
district, shall be entitled to a fee for each birth, fetal death, 1795
death, or military service certificate properly and completely 1796
made out and registered with the local registrar or district and 1797
correctly copied and forwarded to the office of vital statistics 1798
in accordance with the population of the primary registration 1799
district at the last federal census. The fee for each birth, fetal 1800
death, death, or military service certificate shall be: 1801

(1) In primary registration districts of over two hundred 1802
fifty thousand, twenty cents; 1803

(2) In primary registration districts of over one hundred 1804
twenty-five thousand and less than two hundred fifty thousand, 1805
sixty cents; 1806

(3) In primary registration districts of over fifty thousand 1807
and less than one hundred twenty-five thousand, eighty cents; 1808

(4) In primary registration districts of less than fifty 1809
thousand, one dollar. 1810

(E) The director of health shall annually certify to the 1811
county treasurers of the several counties the number of birth, 1812
fetal death, death, and military service certificates registered 1813
from their respective counties with the names of the local 1814

registrars and the amounts due each registrar and health district 1815
at the rates fixed in this section. Such amounts shall be paid by 1816
the treasurer of the county in which the registration districts 1817
are located. No fees shall be charged or collected by registrars 1818
except as provided by this chapter and section 3109.14 of the 1819
Revised Code. 1820

(F)(1) A probate judge shall be paid a fee of fifteen cents 1821
for each certified abstract of marriage prepared and forwarded by 1822
the probate judge to the department of health pursuant to section 1823
3705.21 of the Revised Code. The fee shall be in addition to the 1824
fee paid for a marriage license and shall be paid by the 1825
applicants for the license. 1826

(2) A probate court may include in the reasonable fee that it 1827
establishes by rule pursuant to division (H)(2) of section 2101.16 1828
of the Revised Code the amount of fifteen cents for each certified 1829
abstract of each journal entry and associated action taken under 1830
divisions (B)(1) and (2) of section 2101.241 of the Revised Code 1831
that the probate court must prepare and forward to the department 1832
of health pursuant to division (B)(4) of section 2101.241 and 1833
section 3705.21 of the Revised Code. 1834

(G) The clerk of a court of common pleas shall be paid a fee 1835
of one dollar for each certificate of divorce, dissolution of 1836
marriage, and annulment ~~of marriage~~ prepared and forwarded by the 1837
clerk to the department pursuant to section 3705.21 of the Revised 1838
Code. The fee for the certified abstract of divorce, dissolution 1839
of marriage, or annulment ~~of marriage~~ shall be added to the court 1840
costs allowed in these cases. 1841

(H) The fee for an heirloom certification of birth issued 1842
pursuant to division (B)(2) of section 3705.23 of the Revised Code 1843
shall be an amount prescribed by rule by the director of health 1844
plus any fee required by section 3109.14 of the Revised Code. In 1845

setting the amount of the fee, the director shall establish a 1846
surcharge in addition to an amount necessary to offset the expense 1847
of processing heirloom certifications of birth. The fee prescribed 1848
by the director of health pursuant to this division shall be 1849
deposited into the state treasury to the credit of the heirloom 1850
certification of birth fund which is hereby created. Money 1851
credited to the fund shall be used by the office of vital 1852
statistics to offset the expense of processing heirloom 1853
certifications of birth. However, the money collected for the 1854
surcharge, subject to the approval of the controlling board, shall 1855
be used for the purposes specified by the family and children 1856
first council pursuant to section 121.37 of the Revised Code. 1857

Section 2. That existing sections 2101.12, 2101.16, 2101.24, 1858
3101.05, 3101.13, 3101.99, 3103.01, 3103.06, 3105.01, 3105.08, 1859
3105.091, 3105.10, 3105.17, 3105.171, 3105.18, 3105.31, 3105.61, 1860
3105.62, 3105.64, 3105.65, 3107.03, 3705.21, and 3705.24 of the 1861
Revised Code are hereby repealed. 1862