

**As Introduced**

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

**S. B. No. 140**

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

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**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;

(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;

(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;

(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;

(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;

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

with section 3107.17 of the Revised Code;	114
(L) A summary release from administration docket, showing the date of the filing of the application for a summary release from administration pursuant to section 2113.031 of the Revised Code, the decedent's name, the applicant's name, whether the applicant is the decedent's surviving spouse or a person described in division (B)(1) of that section, and a brief note of the grant of the order of summary release from administration and of any other order or proceeding relating to the decedent's estate, with reference to the journal or other record in which the order or proceeding is found.	115 116 117 118 119 120 121 122 123 124
For each record required by this section, an index shall be maintained. Each index shall be kept current with the entries in the record and shall refer to the entries alphabetically by the names of the persons as they were originally entered, indexing the page of the record where the entry is made. On the order of the probate judge, blankbooks, other record forms, or other record-keeping materials approved by the judge for the records and indexes shall be furnished by the board of county commissioners at the expense of the county.	125 126 127 128 129 130 131 132 133
<b>Sec. 2101.16.</b> (A) The fees enumerated in this division shall be charged and collected, if possible, by the probate judge and shall be in full for all services rendered in the respective proceedings:	134 135 136 137
(1) Account, in addition to advertising charges .....	\$12.00 138
Waivers and proof of notice of hearing on account, per page, minimum one dollar .....	\$ 1.00 139 140
(2) Account of distribution, in addition to advertising charges .....	\$ 7.00 141 142
(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
		213
(51) Power of attorney or revocation of power, bonding company .....	\$10.00	214
		215
(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 <del>such</del> <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 514  
of birth, occupation, father's name, and mother's maiden name, if 515  
known, ~~and~~ the name of the person who is expected to solemnize the 516  
marriage, and, on or after the effective date of this amendment, 517  
whether both parties seek to enter into a covenant marriage, have 518  
attached to the application for the marriage license a declaration 519  
of intent to contract a covenant marriage and a statement of 520  
premarital counseling as described in section 3101.21 of the 521  
Revised Code, and otherwise have fully complied with the 522  
requirements of that section. If either party has been previously 523  
married, the application for the marriage license also shall 524  
include the names of the parties to ~~any~~ each previous marriage and 525  
of any minor children, ~~and,~~ if ~~divorced~~ any of the previous 526  
marriages was terminated by a divorce, dissolution of marriage, or 527  
annulment, the jurisdiction, date, and case number of the decree. 528  
If either ~~applicant~~ party is under the age of eighteen years, the 529  
probate judge shall require the ~~applicant's~~ parties to state that 530  
they received marriage counseling satisfactory to the court. 531  
Except as otherwise provided in this division, the application 532  
also shall include each party's social security number. In lieu of 533  
requiring each party's social security number on the application, 534  
the probate court may obtain each party's social security number, 535  
retain the social security numbers in a separate record, and allow 536  
a number other than the social security number to be used on the 537  
application for reference purposes. If a court allows the use of a 538  
number other than the social security number to be used on the 539  
application for reference purposes, the record containing the 540  
social security number is not a public record, except that, in any 541  
of the circumstances set forth in divisions (A)(1) to (4) of 542  
section 3101.051 of the Revised Code, the record containing the 543  
social security number shall be made available for inspection 544  
under section 149.43 of the Revised Code. 545

Immediately upon receipt of an application for a marriage 546

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  
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(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



3105.61 to 3105.65 of the Revised Code;

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(3) The statutory prohibition against the annulment of a covenant marriage under sections 3105.31 and 3105.32 of the Revised Code;

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(4) The statutory prohibition against the termination of a covenant marriage by a divorce unless there is a complete and total breach of the 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 spouse who has not breached the marital covenant seeks the termination of the marriage;

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(5) The statutory prohibition against the grant of a legal separation to either spouse except under the circumstances listed in division (B) of section 3105.172 of the Revised Code.

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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 and the booklet that the attorney general prepared pursuant to section 109.021 of the Revised Code;

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(E) Attaching to the application for the marriage license a statement in the following form or in a substantially similar form that is executed in part by the prospective parties to the covenant marriage and by the marriage counselor, rabbi, priest, or minister referred to in division (C) of this section who provided those parties with premarital counseling:

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"STATEMENT OF PREMARITAL COUNSELING

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PART I: MARRIAGE APPLICANTS' PORTION

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We, ..... [insert the names of the male person and the female person as set forth in the application for the marriage license], declare that we have received the statutorily required premarital counseling that is a condition precedent to our entry

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into a covenant marriage in the state of Ohio. 763

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(Signature of Male Person) 765

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(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

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(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 Code, the marriage termination, annulment of marriage, and legal separation provisions of section 3101.22 of the Revised Code will apply to their marriage, and their marriage otherwise will be treated as if it was a covenant marriage entered into on or after the effective date of this section. 850  
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(3) The parties to the marriage referred to in division (D)(1) of this section receive postmarital counseling prior to the filing of the postmarital declaration of covenant marriage intent. 856  
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**Sec. 3101.27.** The husband and wife in a marriage described in division (D)(1) of section 3101.26 of the Revised Code may cause their marriage to be redesignated as a covenant marriage at any time after the effective date of this section by doing all of the following: 859  
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(A) Submitting the following petition to the probate court in which the spouses previously filed their application for a marriage license in accordance with section 3101.05 of the Revised Code: 864  
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"PETITION TO REDESIGNATE OUR MARRIAGE AS A COVENANT MARRIAGE 868

We, ..... [insert the names of the husband and wife as set forth in their marriage license application, followed in parentheses by any different names by which they currently are known], petition this court pursuant to section 3101.27 of the Ohio Revised Code to amend the certificate of our marriage that was filed with this court by ..... [insert the name of the individual listed in section 3101.08 of the Ohio Revised Code who solemnized the marriage] in ....., ..... [insert month and year, if known] to indicate, by stamping or typing the words "COVENANT MARRIAGE" on that certificate, that on and after the date that this court takes the actions described in divisions (B)(1) and (2) of section 2101.241 of the Revised Code our 869  
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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. 945-953

(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; 954-960

(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: 961-966

"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. 969-973

..... 974

(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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(Signature, Printed Name, Title, 998

and Address of the Individual Who  
Provided the Postmarital  
Counseling)

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(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 1185  
counseling, during the course of the proceeding or for any 1186  
reasonable period of time as directed by the court. The court, in 1187  
its order requiring the parties to undergo marital counseling or 1188  
to take part in family counseling, shall set forth the type of 1189  
counseling required, the counseling procedures, the length of time 1190  
for the counseling, the manner in which the costs of the 1191  
counseling are to be paid, and any other specific conditions 1192  
required by it. The counseling procedures may include without 1193  
limitation referrals to the conciliation judge as provided in 1194  
Chapter 3117. of the Revised Code. The court, in its order 1195  
requiring the parties to undergo marital counseling or to take 1196  
part in family counseling, may name the marriage counselor, family 1197  
counselor, or a rabbi, priest, or other regularly ordained, 1198  
accredited, or licensed minister of an established and legally 1199  
cognizable church, denomination, or sect who will provide the 1200  
marital or family counseling. 1201

(C) No action for divorce or legal separation involving a 1202  
covenant marriage under section 3105.012 or 3105.172 of the 1203  
Revised Code shall be heard or decided until the marital 1204  
counseling or family counseling ordered by the court under this 1205  
section has concluded and the results of the counseling have been 1206  
reported to the court. 1207

**Sec. 3105.10.** (A) The court of common pleas shall hear any of 1208  
the causes for divorce or annulment charged in the complaint and 1209  
~~may~~, consistent with the permissible grounds for a divorce or 1210  
annulment set forth in section 3105.01, 3105.012, or 3105.31 of 1211  
the Revised Code and upon proof to the satisfaction of the court, 1212  
~~may~~ pronounce the marriage contract dissolved and both of the 1213  
parties released from their obligations. 1214

(B)(1) A separation agreement providing for the support of 1215



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

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

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

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

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

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

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

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

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
<b>Sec. 3105.18.</b> (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 petitioner if any of the following <del>apply</del> <u>applies</u> :	1697 1698
(1) The other spouse is a parent of the person to be adopted and supports the adoption <del>+</del> .	1699 1700
(2) The petitioner and the other spouse are separated under section 3103.06 <del>or</del> , <u>3105.17, or 3105.172</u> of the Revised Code <del>+</del> .	1701 1702
(3) The failure of the other spouse to join in the petition or to support the adoption is found by the court to be by reason of prolonged unexplained absence, unavailability, incapacity, or circumstances that make it impossible or unreasonably difficult to obtain either the support or refusal of the other spouse.	1703 1704 1705 1706 1707
<b>Sec. 3705.21.</b> All marriages taking place within the state, all divorces, dissolutions <u>of marriage</u> , and annulments <del>of marriages</del> decreed by a court of this state, <del>and</del> all corrections of certificates of marriage, <u>and all amendments to certificates of marriage involving the redesignation of a marriage described in division (D)(1) of section 3101.26 of the Revised Code as a covenant marriage</u> shall be registered with the office of vital statistics of the department of health. On or before the tenth day of each month, the probate judge of each county shall forward to the department on a form prescribed and furnished by the director of health a certified abstract of each marriage record made by the probate judge <u>during the preceding month and a certified abstract of each journal entry and associated action taken under divisions (B)(1) and (2) of section 2101.241 of the Revised Code</u> during the preceding month.	1708 1709 1710 1711 1712 1713 1714 1715 1716 1717 1718 1719 1720 1721 1722
The clerk of the court of common pleas, on or before the tenth day of each month, shall send to the department on a form to be prescribed and furnished by the director a certified abstract	1723 1724 1725

of all decrees of divorce, dissolution <u>of marriage</u> , and annulment	1726
<del>of marriage</del> and orders correcting certificates of marriage that	1727
the clerk recorded during the preceding month. <del>The</del>	1728
<u>The</u> office of vital statistics shall record and index all	1729
records received under this section.	1730
<b>Sec. 3705.24.</b> (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