



Sub. H.B. 519

123rd General Assembly

(As Reported by H. Civil & Commercial Law)

Reps. Williams, Cates, Netzley, Hood, Schuler, Van Vyven, Jolivette, Grendell, Hoops, Taylor, Coughlin, Roman, Allen, Salerno, Womer Benjamin, Willamowski

BILL SUMMARY

- Repeals the requirement that a marriage license issued must include the social security number of each party to the marriage and specifically prohibits the display of the social security number of either party to the marriage on the marriage license issued.
- Requires a probate court, except under specified circumstances, to delete any social security numbers of the parties to a marriage from records pertaining to marriage licenses when those records are inspected.
- Requires a court, except under specified circumstances, to delete social security numbers, dates of birth, and bank account and credit, debit, and charge card numbers of the parties in domestic relations cases from records pertaining to those cases when those records are inspected.

CONTENT AND OPERATION

Marriage license requirements

Existing law

The Marriage License Law generally requires the parties to a marriage to do all of the following (R.C. 3101.05(A)):

(1) Make an application for a marriage license not less than five nor more than 30 days before a license is issued;

(2) Personally appear in the probate court in the county where either party resides, or, if neither is a resident of Ohio, where the marriage is expected to be solemnized (each of the parties must appear). If neither party is a resident of

Ohio, the marriage may be solemnized only in the county where the license is obtained.

(3) Make application and state upon oath, each party's name, age, residence, place of birth, occupation, social security number, father's name, and mother's maiden name, if known, and the name of the person who is expected to solemnize the marriage (each of the parties must make application and state the information). If either party previously has been married, the application must include the names of the parties to any previous marriage and of any minor children and, if divorced, the jurisdiction, date, and case number of the decree. If either applicant is under 18 years of age, the judge must require the applicants to state that they received marriage counseling satisfactory to the court.

Immediately upon receipt of an application for a marriage license, the probate court must place the parties' record in a book kept for that purpose. After the expiration of five and not more than 30 days from the date of the application, if the probate judge is satisfied that there is no legal impediment and if one or both of the parties are present, the probate judge must grant the marriage license. Each marriage license issued must include the *social security number* of each party to the marriage, as stated on the marriage license application. (R.C. 3101.05(A).)

Operation of the bill

The bill repeals the requirement that a marriage license issued must include the social security number of each party to the marriage, as stated on the marriage license application. It specifically prohibits the display on the marriage license issued of the social security number of either party to the marriage. (R.C. 3101.05(A).)

Public records inspection

Existing law

Under the Public Records Law (R.C. 149.43--not in the bill but referred to in the bill), generally, all public records must be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. "Public record" means any record that is kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, except that "public record" does not mean any of a list of specified records or types of records. Generally, upon request, a public office or person responsible for public records must make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records, public offices must maintain public records in a manner that they can be made

available for inspection in accordance with the Public Records Law. (R.C. 149.43(A)(1) and (B), not in the bill.)

The existing Domestic Relations Law requires that the record of any action instituted under R.C. Chapter 3105. include the social security numbers of both parties to the action (R.C. 3105.72--not in the bill).¹

Operation of the bill

Inspection of marriage license records. The bill requires a probate court to make available to any person for inspection the records pertaining to the issuance of marriage licenses as provided under the Public Records Law, *except* that the court must delete or otherwise remove any social security numbers of the parties to a marriage so that they are not available to the person inspecting the records. The bill provides that the requirement to delete or remove the social security numbers does not apply in any of the following circumstances (R.C. 3101.051(A) to (D)):

(1) The records are inspected by authorized personnel of the Division of Child Support in the Department of Human Services under the Child and Spousal Support Enforcement Programs Law (see **COMMENT**).

(2) The records are inspected by law enforcement personnel for purposes of a criminal investigation.

(3) The records with the social security numbers are necessary for use in a civil or criminal trial if the release of the records with the social security numbers is ordered by a court with jurisdiction over the trial.

(4) The records are inspected by either party to the marriage to which the records pertain.

Inspection of domestic relations court records. The bill requires a court to make available to any person for inspection the records pertaining to any action instituted under R.C. Chapter 3105. (see footnote 1) as provided under the Public Records Law, *except* that the court must delete or otherwise remove any social security numbers, dates of birth, and bank account, debit card, charge card, and credit card numbers of the parties to the action so that they are not available to the

¹ *These actions include actions for divorce, annulment, legal separation, and dissolution of marriage.*

person inspecting the records.² The bill provides that the requirement to delete or remove the social security numbers, dates of birth, and bank account, debit card, charge card, and credit card numbers does not apply in any of the following circumstances (R.C. 3105.73(A) to (D)):

(1) The records are inspected by authorized personnel of the Division of Child Support in the Department of Human Services under the Child and Spousal Support Enforcement Programs Law (see **COMMENT**).

(2) The records are inspected by law enforcement personnel for purposes of a criminal investigation.

(3) The records with the social security numbers, dates of birth, and bank account, debit card, charge card, and credit card numbers are necessary for use in a civil or criminal trial if the release of the records with the social security numbers, dates of birth, and bank account, debit card, charge card, and credit card numbers is ordered by a court with jurisdiction over the trial.

(4) The records are inspected by either party to the action to which the records pertain or by that party's attorney.

COMMENT

The Child and Spousal Support Enforcement Programs Law (R.C. 5101.31--not in the bill but referred to in the bill) provides that the Division of Child Support in the Department of Human Services generally must have access to all of the following unless release of the information is prohibited by federal or state law (R.C. 5101.31(G)(1)):

(1) Any information in the possession of any officer or entity of the state or any political subdivision of the state that would aid the Division in locating an absent parent or child;

(2) Any information concerning the employment, compensation, and benefits of any obligor or obligee subject to a support order in the possession of any person;

² *The domestic relations division of a court of common pleas or, if there is no domestic relations division, the general division of a court of common pleas, has jurisdiction in actions for divorce, annulment, legal separation, or dissolution of marriage.*

(3) The name and address of any obligor or obligee subject to a support order and the obligor's or obligee's employer in the customer records of a public utility.

The person or entity required to provide the above information may provide that information to a child support enforcement agency at the agency's request or require the agency to request that the Division of Child Support request the information for the agency. The Division must request the information from the person or entity on the request of a child support enforcement agency. (R.C. 5101.31(G)(2).)

An officer or entity of the state or political subdivision of the state or any other person who provides information pursuant to the above provisions is not subject to criminal or civil liability for providing the information (R.C. 5101.31(G)(3)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	12-14-99	p. 1464
Reported, H. Civil & Commercial Law	04-04-00	pp. 1752-1753

H0519-RH.123/jc