



H.B. 338

125th General Assembly
(As Introduced)

Reps. Taylor, Latta, Price, J. Stewart, Otterman, Barrett, Carano, Harwood, Allen, Williams, Perry, Faber, Aslanides

BILL SUMMARY

- Authorizes certain federal judges and magistrates to solemnize marriages in Ohio.

CONTENT AND OPERATION

Who may solemnize marriages

Current law

Under current law, an ordained or licensed minister of any religious society or congregation within Ohio who is licensed to solemnize marriages, a judge of a county court, a judge of a municipal court, a probate judge, the mayor of a municipal corporation in any county in which such municipal corporation wholly or partly lies, the superintendent of the State School for the Deaf, or any religious society in conformity with the rules of its church, may join together as husband and wife any persons who are not prohibited by law from being joined in marriage (R.C. 3101.08) (see **COMMENT**).

Operation of the bill

The bill authorizes certain federal judges and magistrates to solemnize marriages in Ohio. Under the bill, a judge of the United States Court of Appeals for the Sixth Circuit, anywhere in this state, and a judge or magistrate of the United States District Court for the Northern District or Southern District of Ohio, anywhere in this state, may join together as husband and wife any individuals who are not prohibited by law from being joined in marriage. (R.C. 3101.08(E) and (F).)

COMMENT

R.C. 3101.01 (not in the bill) provides that male persons of the age of 18 years, and female persons of the age of 16 years, not nearer of kin than second cousins, and not having a husband or wife living, may be joined in marriage. A minor must first obtain the consent of the minor's parents, surviving parent, parent who is designated the residential parent and legal custodian of the child by a court of competent jurisdiction, guardian, or any one of the following who has been awarded permanent custody of the minor by a court exercising juvenile jurisdiction:

(A) An adult person;

(B) The Department of Job and Family Services or any child welfare organization certified by such Department;

(C) A public children services agency.

A minor may not be required to obtain the consent of a parent who resides in a foreign country, has neglected or abandoned such minor for a period of one year or longer immediately preceding the application for a marriage license, has been adjudged incompetent, is an inmate of a state mental or correctional institution, has been permanently deprived of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and to be the legal custodian of the child by a court exercising juvenile jurisdiction, or has been deprived of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and to be the legal custodian of the child by the appointment of a guardian of the person of the minor by the probate court or by any other court of competent jurisdiction.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	11-25-03	p. 1217

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