



Ohio Legislative Service Commission

Synopsis of Senate Committee Amendments*

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Sub. H.B. 461

129th General Assembly
(S. Judiciary)

The Senate Judiciary committee adopted amendments that do the following:

1. Modify existing law regarding testimonial privilege by providing that if a client voluntarily reveals (instead of testifies) the substance of attorney-client communications in a nonprivileged context, the attorney may be compelled to testify on the same subject.

2. Request the Ohio Supreme Court to amend the Rules of Professional Responsibility to require a collaborative family lawyer to disclose to clients in writing information regarding the withdrawal and disqualification of the attorneys should a settlement not be possible and information about other available options for resolution or determination of family law matters.

3. Provide that "change in circumstances" with regard to the modification of spousal support includes other changed circumstances so long as the change in circumstances is substantial and makes the existing award no longer reasonable and appropriate and the change in circumstances was not taken into account by the parties or the court as a basis for the existing award when it was established or last modified, whether or not the change in circumstances was foreseeable.

4. Provide that, in determining whether to modify an existing order for spousal support, the court must consider any purpose expressed in the initial order or award and enforce any voluntary agreement of the parties and provide that, absent an agreement of the parties, the court may not modify the continuing jurisdiction of the court as contained in the original degree.

5. Remove the requirement that there is an automatic stay of a proceeding before the court if a collaborative process is initiated by the parties after the proceeding before the court has commenced.