

## Marriage requirements

The following chart summarizes marriage requirements in Ohio, based on age. For all marriages, the parties to be joined must (1) not be nearer of kin than second cousins, and (2) not already have a living spouse.<sup>1</sup>

Age	Male	Female
18 or older	Free to marry without consent of others. <sup>2</sup>	Same.
16 or 17	<p>May not marry, unless:</p> <ul style="list-style-type: none"> <li>• The female is either pregnant with their child or has delivered their child out of wedlock; and</li> <li>• Consent is given from each parent whose consent is required.</li> </ul> <p>The juvenile court to whom the application to marry is made grants consent, makes the applicant a ward of the court, and notifies the probate court so it may issue a marriage license.<sup>3</sup></p>	Free to marry only if consent is given from each parent or other guardian or person whose consent is required.
Younger than 16	Same as for a 16- or 17- year old male.	Same as for a 16- or 17- year old male.
Under statutory age but over common law age	Some Ohio cases have held that marriage in which one or both parties are under the <i>statutory minimum age</i> but over the <i>common law age of consent</i> (both ages have been changed over time) is <i>valid</i> without parental consent yet <i>voidable</i> , but only until the statutory age is reached, if the minors continue to cohabit. <sup>4</sup>	Same.

<sup>1</sup> R.C. 3101.01(A).

<sup>2</sup> R.C. 3109.01.

<sup>3</sup> R.C. 3101.01(A); Ohio Juv. R. 42(C), (D), and (G); *State v. Gans*, 168 Ohio St. 174, 178-179 (Ohio 1958); O.A.G. 89-046 (footnote 1).

<sup>4</sup> *Holtz v. Dick*, 42 Ohio St. 23 (1884); *Klinebell v. Hilton*, 25 Ohio N.P. 167 (1924); *In re Ababseh*, 1996 Ohio App. LEXIS 980, \*4, 1996 WL 116148 (Ohio Ct. App., Mahoning County March 12, 1996); *Pearlman v. Pearlman*, 27 Ohio N.P. 46 (1928); See R.C. 2907.04.

The chart is based on the following reasoning:

- (1) **For males 16-17**, *State v. Gans* provides that males under 18 cannot marry. However, Juv. Rule 42(C), (D), and (G) permit the Juvenile Court to permit marriages on application if the female is pregnant or delivered of a child and the parents whose consent is required indorse the application.
- (2) **For females 16-17**, *State v. Gans* and R.C. 5101.01(A) specify the parent's, guardian's, or other appropriate person's consent is required for marriage.
- (3) **For males and females under 16**, it would appear that the requirements of (1) above would apply because both are under the statutory ages.