

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**H. B. No. 516**

**Representative Celebrezze**

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**A BILL**

To enact section 3105.172 of the Revised Code to  
require a court to issue a mutual restraining  
order on both parties upon the filing of a  
complaint for a divorce, annulment, or legal  
separation. 1  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3105.172 of the Revised Code be  
enacted to read as follows: 6  
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**Sec. 3105.172.** Upon the filing of a complaint for divorce,  
annulment, or legal separation, the court shall issue mutual  
restraining orders upon both parties to the divorce, annulment,  
or legal separation. The mutual restraining orders shall  
restrain both spouses from the following: 8  
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(A) Obstructing or interfering with the other spouse's  
parenting time or communication with the minor child or  
children, or concealing the whereabouts of the minor child or  
children from the other spouse, except where a protection order  
has been issued under section 2919.26 or 3113.31 of the Revised  
Code; 13  
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(B) Removing the minor child or children from the 19

jurisdiction of the court other than temporarily for vacation, 20  
travel, visitation with the extended family, camp, or 21  
recreation; 22

(C) Disparaging, denigrating, or otherwise speaking ill of 23  
the other spouse to or in the presence or hearing of the minor 24  
child or children; 25

(D) Selling, removing, transferring, encumbering, 26  
pledging, damaging, hiding, concealing, assigning, or disposing 27  
of any and all property, real or personal, owned by both 28  
spouses, or either spouse, or a child, including household 29  
goods, vehicles, and the personal property of each, without the 30  
prior written consent of the spouse or the court; 31

(E) Voluntarily changing the terms or beneficiary of, 32  
terminating coverage of, cashing in, borrowing against, 33  
encumbering, transferring, canceling, or failing to renew any 34  
type of insurance, including health, automobile, life, 35  
disability, home, or fire insurance that provides coverage for a 36  
spouse or child or children of the parties; 37

(F) Voluntarily liquidating, encumbering, borrowing 38  
against, cashing in, or changing the beneficiary, terms, or 39  
conditions of any retirement or pension plan or program that 40  
provides any benefit to a spouse or child or children of the 41  
parties or of either or both spouses; 42

(G) (1) Withdrawing funds from any of the following: 43

(a) A joint or individual bank, savings and loan 44  
association, or credit union account; 45

(b) Retirement or pension funds, including IRA, Keogh, 46  
deferred compensation, or 401(k) accounts; 47

(c) Trust brokerage houses or other financial institution 48  
accounts, except if such accounts are business accounts; 49  
provided however, that no stock broker is restrained from 50  
buying, selling, or otherwise dealing with any stock, bond, or 51  
other investment for the account of either spouse or both 52  
spouses. 53

(2) The mutual restraining order is not intended to 54  
restrain monies received in the form of wages. 55

(H) Removing from the marital residence tangible personal 56  
property, other than a spouse's own clothing and personal 57  
effects or tools, equipment, books, and papers incidental to the 58  
conduct of the spouse's own trade, business, or profession; 59

(I) Incurring debt on existing lines of credit or credit 60  
cards in the name of the other spouse or in the spouses' joint 61  
names, unless by prior written agreement of the spouses or order 62  
of a court; 63

(J) Communicating with the employer, business associates, 64  
patients, or customers of the other spouse and from entering 65  
upon the premises of the other spouse's employer provided that 66  
the parties are not employed by the same employer; 67

(K) Changing the place of a minor child's education or 68  
worship. 69