

## 51st House District

Portions of Butler County, including  
Hamilton and Fairfield, Ross  
Township and portions of Fairfield,  
Hanover and St. Clair townships

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**Sara P. Carruthers**  
Ohio State Representative

## Committees

-Finance-  
-Finance Subcommittee on  
Transportation-  
-Health-  
-Primary & Secondary Education-

## Commissions/Councils/Boards

-Commission on Infant Mortality-  
-Early Childhood Advisory Council-  
-Ohio Children's Trust Fund-  
-Ohio Arts Council-

## **House Bill 209 Sponsor Testimony** **Senate Judiciary Committee** **December 4, 2019**

Chairman Eklund, Vice Chairman Manning, Ranking Member Thomas and members of Senate Judiciary Committee, thank you for the opportunity to speak on House Bill 209, which will abolish the estate of dower in Ohio. House Bill 209 will bring Ohio law into line with 47 other states. I would also like to thank my joint sponsor, Representative Kick, for his teamwork on this bill.

Dower in Ohio is the inchoate right of one spouse to claim a life estate in one-third of any real estate conveyed by the other spouse during marriage. The right of dower would not be vested until sometime in the future when the owning spouse dies. The concept of dower rights is antiquated, dating back to 1310. It provided for the maintenance and care of a widow in a time of no social service protections. This European tradition was designed to provide for one's daughter upon marriage in the event she lost her spouse. In those times, land, titles, and estates often followed the oldest heir, leaving the widow destitute. Ohio is one of only three states to still have dower in its laws, along with Arkansas and Kentucky. In fact, it was even abolished in England nearly a century ago in 1925.

Today, electronic records and court-mandated disclosure in legal family law proceedings largely make dower a minor but lingering concern. Dower mostly causes defects in the titles of Ohio homeowners, creating the inability to sell real estate because a simple reference to marital status or release of dower were omitted from a deed or mortgage. Its continued existence increases costs of real estate transactions without providing any benefit whatsoever.

Thank you Chairman Eklund, now Representative Kick will speak to the real-world implications that dower continues to have for far too many Ohioans.