

As Introduced

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Representatives Russo, Robb Blasdel

Cosponsors: Representatives Piccolantonio, Jarrells, Grim, Lett, Baker, Rader, Synenberg, Sweeney, Salvo, Upchurch, Brennan, Brewer, Brownlee, Sigrist, Odioso, White, E., Thomas, C.

To amend sections 2151.23, 2151.233, 2151.352, 1
3101.01, 3101.05, and 3109.011 and to repeal 2
sections 3101.02, 3101.04, 3101.041, and 3
3101.042 of the Revised Code to repeal law that 4
authorizes a person who is seventeen years of 5
age to marry. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2151.23, 2151.233, 2151.352, 7
3101.01, 3101.05, and 3109.011 of the Revised Code be amended to 8
read as follows: 9

Sec. 2151.23. (A) The juvenile court has exclusive 10
original jurisdiction under the Revised Code as follows: 11

(1) Concerning any child who on or about the date 12
specified in the complaint, indictment, or information is 13
alleged to have violated section 2151.87 of the Revised Code or 14
an order issued under that section or to be a juvenile traffic 15
offender or a delinquent, unruly, abused, neglected, or 16
dependent child and, based on and in relation to the allegation 17
pertaining to the child, concerning the parent, guardian, or 18

other person having care of a child who is alleged to be an 19
unruly child for being an habitual truant or who is alleged to 20
be a delinquent child for violating a court order regarding the 21
child's prior adjudication as an unruly child for being an 22
habitual truant; 23

(2) Subject to divisions (G), (I), (K), and (V) of section 24
2301.03 of the Revised Code, to determine the custody of any 25
child not a ward of another court of this state; 26

(3) To hear and determine any application for a writ of 27
habeas corpus involving the custody of a child; 28

(4) To exercise the powers and jurisdiction given the 29
probate division of the court of common pleas in Chapter 5122. 30
of the Revised Code, if the court has probable cause to believe 31
that a child otherwise within the jurisdiction of the court is a 32
person with a mental illness subject to court order, as defined 33
in section 5122.01 of the Revised Code; 34

(5) To hear and determine all criminal cases charging 35
adults with the violation of any section of this chapter; 36

(6) To hear and determine all criminal cases in which an 37
adult is charged with a violation of division (C) of section 38
2919.21, division (B)(1) of section 2919.22, section 2919.222, 39
division (B) of section 2919.23, or section 2919.24 of the 40
Revised Code, provided the charge is not included in an 41
indictment that also charges the alleged adult offender with the 42
commission of a felony arising out of the same actions that are 43
the basis of the alleged violation of division (C) of section 44
2919.21, division (B)(1) of section 2919.22, section 2919.222, 45
division (B) of section 2919.23, or section 2919.24 of the 46
Revised Code; 47

(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	48 49
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	50 51 52 53
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	54 55 56 57
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	58 59
(11) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	60 61 62 63 64 65 66 67
(12) (11) Concerning an action commenced under section 121.38 of the Revised Code;	68 69
(13) (12) To hear and determine violations of section 3321.38 of the Revised Code;	70 71
(14) (13) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	72 73 74 75 76

(15)(14) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;	77 78 79 80 81 82 83 84
(16)(15) To hear and determine a petition for a protection order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age;	85 86 87 88 89 90
(17)(16) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code;	91 92
(18)(17) To hear and determine a request for a court order to examine and interview a child who may be an abused, neglected, or dependent child under section 2151.25 of the Revised Code.	93 94 95 96
(B) Except as provided in divisions (G), (I), and (P) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	97 98 99
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	100 101 102 103
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to	104 105

3111.18 of the Revised Code;	106
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	107
(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;	109
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	112
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	114
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	116
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	119
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	122
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no	126
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certification of that nature shall be made to any juvenile court	134
unless the consent of the juvenile judge first is obtained.	135
After a certification of that nature is made and consent is	136
obtained, the juvenile court shall proceed as if the action	137
originally had been begun in that court, except as to awards for	138
spousal support or support due and unpaid at the time of	139
certification, over which the juvenile court has no	140
jurisdiction.	141
(D) The juvenile court, except as provided in division (I)	142
of section 2301.03 of the Revised Code, has jurisdiction to hear	143
and determine all matters as to custody and support of children	144
duly certified by the court of common pleas to the juvenile	145
court after a divorce decree has been granted, including	146
jurisdiction to modify the judgment and decree of the court of	147
common pleas as the same relate to the custody and support of	148
children.	149
(E) The juvenile court, except as provided in division (I)	150
of section 2301.03 of the Revised Code, has jurisdiction to hear	151
and determine the case of any child certified to the court by	152
any court of competent jurisdiction if the child comes within	153
the jurisdiction of the juvenile court as defined by this	154
section.	155
(F) (1) The juvenile court shall exercise its jurisdiction	156
in child custody matters in accordance with sections 3109.04 and	157
3127.01 to 3127.53 of the Revised Code and, as applicable,	158
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the	159
Revised Code.	160
(2) The juvenile court shall exercise its jurisdiction in	161
child support matters in accordance with section 3109.05 of the	162
Revised Code.	163

(G) Any juvenile court that makes or modifies an order for child support shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If any person required to pay child support under an order made by a juvenile court on or after April 15, 1985, or modified on or after December 1, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, except as provided in section 2152.121 of the Revised Code, the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, subject to section 2152.121 of the Revised Code, including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the transfer of the case for criminal prosecution, whether the

conviction is for the same degree or a lesser degree of the 195
offense charged, for the commission of a lesser-included 196
offense, or for the commission of another offense that is 197
different from the offense charged. Section 2152.022 of the 198
Revised Code applies with respect to the transfer of a case for 199
criminal prosecution as described in this division and the 200
determination of jurisdiction after the transfer and, as 201
described in division (B) of that section, the juvenile court 202
retains jurisdiction over charges included in the complaint or 203
complaints containing the allegation that is the basis of the 204
transfer that are not transferred. 205

(I) If a person under eighteen years of age allegedly 206
commits an act that would be a felony if committed by an adult 207
and if the person is not taken into custody or apprehended for 208
that act until after the person attains twenty-one years of age, 209
the juvenile court does not have jurisdiction to hear or 210
determine any portion of the case charging the person with 211
committing that act. In those circumstances, divisions (A) and 212
(B) of section 2152.12 of the Revised Code do not apply 213
regarding the act, and the case charging the person with 214
committing the act shall be a criminal prosecution commenced and 215
heard in the appropriate court having jurisdiction of the 216
offense as if the person had been eighteen years of age or older 217
when the person committed the act. All proceedings pertaining to 218
the act shall be within the jurisdiction of the court having 219
jurisdiction of the offense, and that court has all the 220
authority and duties in the case that it has in other criminal 221
cases in that court. 222

(J) In exercising its exclusive original jurisdiction 223
under division (A) (16) of this section with respect to any 224
proceedings brought under section 2151.34 or 3113.31 of the 225

Revised Code in which the respondent is a child, the juvenile court retains all dispositionary powers consistent with existing rules of juvenile procedure and may also exercise its discretion to adjudicate proceedings as provided in sections 2151.34 and 3113.31 of the Revised Code, including the issuance of protection orders or the approval of consent agreements under those sections.	226 227 228 229 230 231 232
Sec. 2151.233. (A) Except as provided in division (B) of this section, the juvenile court shall not exercise jurisdiction under division (A) (2), (A) (11) <u>(A) (10)</u> , or (B) (4) of section 2151.23 of the Revised Code or section 2151.231 of the Revised Code and the domestic relations court shall have jurisdiction to determine custody or support regarding a child if any of the following apply:	233 234 235 236 237 238 239
(1) The child's parents are married to each other.	240
(2) The child's parents were married to each other but no longer are married to each other and there is an existing order for custody or support regarding the child or another child of the same parents over which the juvenile court does not have jurisdiction.	241 242 243 244 245
(3) The determination is ancillary to the parents' pending or prior action for divorce, dissolution of marriage, annulment, or legal separation.	246 247 248
(B) Division (A) of this section does not apply to any case or proceeding brought under Chapter 3115. of the Revised Code, or to any case or proceeding initiated or originating outside of this state.	249 250 251 252
(C) This section shall apply to all cases and proceedings initiated on or after March 22, 2019.	253 254

(D) As used in this section and sections 2151.234 to 255
2151.236 of the Revised Code, "domestic relations court" means 256
the division of a court of common pleas that has domestic 257
relations jurisdiction. 258

Sec. 2151.352. A child, the child's parents or custodian, 259
or any other person in loco parentis of the child is entitled to 260
representation by legal counsel at all stages of the proceedings 261
under this chapter or Chapter 2152. of the Revised Code. If, as 262
an indigent person, a party is unable to employ counsel, the 263
party is entitled to have counsel provided for the person 264
pursuant to Chapter 120. of the Revised Code except in civil 265
matters in which the juvenile court is exercising jurisdiction 266
pursuant to division (A) (2), (3), (9), (10), (11), or (12), ~~or~~ 267
(13); (B) (2), (3), (4), (5), or (6); (C); (D); or (F) (1) or (2) 268
of section 2151.23 of the Revised Code. If a party appears 269
without counsel, the court shall ascertain whether the party 270
knows of the party's right to counsel and of the party's right 271
to be provided with counsel if the party is an indigent person. 272
The court may continue the case to enable a party to obtain 273
counsel, to be represented by the county public defender or the 274
joint county public defender, or to be appointed counsel upon 275
request pursuant to Chapter 120. of the Revised Code. Counsel 276
must be provided for a child not represented by the child's 277
parent, guardian, or custodian. If the interests of two or more 278
such parties conflict, separate counsel shall be provided for 279
each of them. 280

Section 2935.14 of the Revised Code applies to any child 281
taken into custody. The parents, custodian, or guardian of such 282
child, and any attorney at law representing them or the child, 283
shall be entitled to visit such child at any reasonable time, be 284
present at any hearing involving the child, and be given 285

reasonable notice of such hearing. 286

Any report or part thereof concerning such child, which is 287
used in the hearing and is pertinent thereto, shall for good 288
cause shown be made available to any attorney at law 289
representing such child and to any attorney at law representing 290
the parents, custodian, or guardian of such child, upon written 291
request prior to any hearing involving such child. 292

Sec. 3101.01. (A) ~~Except as provided in section 3101.02 of~~ 293
~~the Revised Code, only~~ Only male persons of the age of eighteen 294
years, and only female persons of the age of eighteen years, not 295
nearer of kin than second cousins, and not having a husband or 296
wife living, may be joined in marriage. A marriage may only be 297
entered into by one man and one woman. 298

(B) (1) Any marriage between persons of the same sex is 299
against the strong public policy of this state. Any marriage 300
between persons of the same sex shall have no legal force or 301
effect in this state and, if attempted to be entered into in 302
this state, is void ab initio and shall not be recognized by 303
this state. 304

(2) Any marriage entered into by persons of the same sex 305
in any other jurisdiction shall be considered and treated in all 306
respects as having no legal force or effect in this state and 307
shall not be recognized by this state. 308

(3) The recognition or extension by the state of the 309
specific statutory benefits of a legal marriage to nonmarital 310
relationships between persons of the same sex or different sexes 311
is against the strong public policy of this state. Any public 312
act, record, or judicial proceeding of this state, as defined in 313
section 9.82 of the Revised Code, that extends the specific 314

statutory benefits of legal marriage to nonmarital relationships	315
between persons of the same sex or different sexes is void ab	316
initio. Nothing in division (B) (3) of this section shall be	317
construed to do either of the following:	318
(a) Prohibit the extension of specific benefits otherwise	319
enjoyed by all persons, married or unmarried, to nonmarital	320
relationships between persons of the same sex or different	321
sexes, including the extension of benefits conferred by any	322
statute that is not expressly limited to married persons, which	323
includes but is not limited to benefits available under Chapter	324
4117. of the Revised Code;	325
(b) Affect the validity of private agreements that are	326
otherwise valid under the laws of this state.	327
(4) Any public act, record, or judicial proceeding of any	328
other state, country, or other jurisdiction outside this state	329
that extends the specific benefits of legal marriage to	330
nonmarital relationships between persons of the same sex or	331
different sexes shall be considered and treated in all respects	332
as having no legal force or effect in this state and shall not	333
be recognized by this state.	334
Sec. 3101.05. (A) The parties to a marriage shall make an	335
application for a marriage license. Each of the persons seeking	336
a marriage license shall personally appear in the probate court	337
within the county where either resides, or, if neither is a	338
resident of this state, where the marriage is expected to be	339
solemnized. If neither party is a resident of this state, the	340
marriage may be solemnized only in the county where the license	341
is obtained. Each party shall make application and shall state	342
upon oath, the party's name, age, residence, place of birth,	343
occupation, father's name, and mother's maiden name, if known,	344

and the name of the person who is expected to solemnize the 345
marriage. If either party has been previously married, the 346
application shall include the names of the parties to any 347
previous marriage and of any minor children, and if divorced the 348
jurisdiction, date, and case number of the decree. ~~If either~~ 349
~~applicant is the age of seventeen years, the judge shall require~~ 350
~~the applicants to state that they received marriage counseling~~ 351
~~satisfactory to the court.~~ Except as otherwise provided in this 352
division, the application also shall include each party's social 353
security number. In lieu of requiring each party's social 354
security number on the application, the court may obtain each 355
party's social security number, retain the social security 356
numbers in a separate record, and allow a number other than the 357
social security number to be used on the application for 358
reference purposes. If a court allows the use of a number other 359
than the social security number to be used on the application 360
for reference purposes, the record containing the social 361
security number is not a public record, except that, in any of 362
the circumstances set forth in divisions (C)(1) to (5) of 363
section 3101.051 of the Revised Code, the record containing the 364
social security number shall be made available for inspection 365
under section 149.43 of the Revised Code. 366

Immediately upon receipt of an application for a marriage 367
license, the court shall place the parties' record in a book 368
kept for that purpose. If the probate judge is satisfied that 369
there is no legal impediment and if one or both of the parties 370
are present, the probate judge shall grant the marriage license. 371

If the judge is satisfied from the affidavit of a 372
reputable physician, clinical nurse specialist, or certified 373
nurse practitioner in active practice and residing in the county 374
where the probate court is located, that one of the parties is 375

unable to appear in court, by reason of illness or other physical disability, a marriage license may be granted upon application and oath of the other party to the contemplated marriage; but in that case the person who is unable to appear in court, at the time of making application for a marriage license, shall make and file in that court, an affidavit setting forth the information required of applicants for a marriage license.	376 377 378 379 380 381 382
A probate judge may grant a marriage license under this section at any time after the application is made.	383 384
A marriage license issued shall not display the social security number of either party to the marriage.	385 386
Each person seeking a marriage license shall present documentary proof of age in the form of any one of the following:	387 388 389
(1) A copy of a birth record;	390
(2) A birth certificate issued by the department of health, a local registrar of vital statistics, or other public office charged with similar duties by the laws of another state, territory, or country;	391 392 393 394
(3) A baptismal record showing the person's date of birth;	395
(4) A passport;	396
(5) A license or permit to operate a motor vehicle as defined under section 4501.01 of the Revised Code;	397 398
(6) Any government- or school-issued identification card showing the person's date of birth;	399 400
(7) An immigration record showing the person's date of birth;	401 402

(8) A naturalization record showing the person's date of birth;	403 404
(9) A court record or any other document or record issued by a governmental entity showing the person's date of birth.	405 406
(B) An applicant for a marriage license who knowingly makes a false statement in an application or affidavit prescribed by this section is guilty of falsification under section 2921.13 of the Revised Code.	407 408 409 410
(C) No licensing officer shall issue a marriage license if the officer has not received the application, affidavit, or other statements prescribed by this section or if the officer has reason to believe that any of the statements in a marriage license application or in an affidavit prescribed by this section are false.	411 412 413 414 415 416
(D) Any fine collected for violation of this section shall be paid to the use of the county together with the costs of prosecution.	417 418 419
Sec. 3109.011. A person granted consent to marry under <u>former</u> section 3101.04 of the Revised Code has the capacity of a person of the age of eighteen years or more, as described in section 3109.01 of the Revised Code, except that the person is not a qualified elector for purposes of Chapter 3503. of the Revised Code.	420 421 422 423 424 425
Section 2. That existing sections 2151.23, 2151.233, 2151.352, 3101.01, 3101.05, and 3109.011 of the Revised Code are hereby repealed.	426 427 428
Section 3. That sections 3101.02, 3101.04, 3101.041, and 3101.042 of the Revised Code are hereby repealed.	429 430

Section 4. Section 2151.23 of the Revised Code is 431
presented in this act as a composite of the section as amended 432
by H.B. 110, H.B. 281, H.B. 518, and S.B. 288, all of the 134th 433
General Assembly. The General Assembly, applying the principle 434
stated in division (B) of section 1.52 of the Revised Code that 435
amendments are to be harmonized if reasonably capable of 436
simultaneous operation, finds that the composite is the 437
resulting version of the section in effect prior to the 438
effective date of the section as presented in this act. 439