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2nd Ohio Senate District

Sponsor Testimony for Senate Bill 210

House Civil Justice Committee

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Chairman Hillyer, Vice-Chair Grendell, Ranking Member Galonski, and members of the House Civil Justice Committee, thank you for allowing me to give sponsor testimony on behalf of Senate Bill 210. This legislation would allow a married couple to enter into a postnuptial agreement and to amend or terminate the terms of a prenuptial agreement.

Here in Ohio, a couple can enter into a prenuptial agreement before they marry, but they cannot enter into a postnuptial agreement. Additionally, a couple cannot make a single change to their prenuptial agreement after that agreement is made. Both of these facts prevent couples from entering into a legal agreement after they marry or modifying one if their circumstances change. Instead, the only options that exist for a married couple at this point in Ohio to contractually alter their marriage are divorce, dissolution, or legal separation.

In life, circumstances change frequently. Couples move, jobs change, children are born, and priorities shift. Other states by law understand this basic fact of life and grant reasonable flexibility to allow married couples the ability to make changes to their marital agreements. Right now, Ohio is one of four states that do not allow postnuptial agreements and we are one of two that statutorily prohibit postnuptial agreements.

Senate Bill 210 would bring Ohio into alignment with the vast majority of other states and give couples much needed flexibility for the sake of their marriages. According to the Ohio State Bar Association, which is in support of the bill, there is a growing demand and necessity for these agreements.

There are several logical reasons for this demand, including:

1. Children from previous marriages who a spouse wants to provide for;
2. Tax law modifications that can change the status of premarital agreements;
3. Spouses wanting to define what their rights and responsibilities are in the marriage, which can change or shift over time;
4. Concerns in Ohio about the enforcement of premarital agreements that cannot be altered with a marriage's priorities shifting or circumstances evolving;
5. More and more cases of spouses entering into invalid postnuptial agreements or amending their prenuptial agreements even if those cannot be enforced.

Senate Bill 210 would directly alleviate these concerns for married couples who want to enter into either of these agreements. Couples could address their worries and life changes without the fear of issues arising later that could impact these agreements. Married couples would also have another option to address their marital agreements besides divorce or separation, which can be healthier for them and their families. Moreover, married couples who wish to move to Ohio can have the confidence that our law will allow them to make changes to their prenuptial agreement or enter into a postnuptial agreement. The legislation will also give Ohio attorneys the confidence to counsel their clients on these agreements. Also, the bill also ensures that any agreement is entered into freely without fraud, duress, coercion or overreaching, all of which would invalidate the agreement.

In the Senate Judiciary Committee, we also made modifications that came to us from domestic relations judges and the Ohio Judicial Conference that will help protect confidential information and young people. First, we amended the bill to repeal the requirement in code that requires Social Security numbers be included on records of actions for divorces, dissolutions, annulments, or spousal support. Current law requiring Social Security numbers on these records contradicts court rules that state this information should be redacted.

The second change closes a gap that prevents judges from granting dating violence protection orders to minors who were dating adults. This scenario comes up often with a teenage girl who was dating an 18-20 year old who later needs to obtain a protection order from the ex. The way the law currently stands, both the petitioner and respondent must be adults for a CPO to be granted. Since the respondent is an adult, the petition cannot be filed in juvenile court either. We fixed this in SB 210 to close that gap to allow our judges to keep our young people safe.

SB 210 passed the Senate with overwhelming bipartisan support. The bill will allow our married couples and families to thrive, protect our citizens' confidential information, and ensure our young people are safe from violence. It's a piece of legislation that I am proud to have my name on.

Chairman Hillyer, thank you for the chance to testify on Senate Bill 210. I'm happy to answer any of your questions.