



Senator Theresa Gavarone

2nd Ohio Senate District

Sponsor Testimony for Senate Bill 210

Senate Judiciary Committee

September 14, 2021

Chairman Manning, Vice-Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary 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 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 all of 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.

We should be granting couples in Ohio the opportunity to do what they deem best for them and the flexibility to make their own decisions when it comes to their marriages. Senate Bill 210 would grant married couples the option to make these decisions for themselves as life changes. This simple change can make all the difference in the world for couples and their families and help marriages and families thrive.

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