



ENACTMENT NEWS

Senate Bill 210

Postnuptial Agreements & Appointed Judges

Effective March 22, 2023

On December 22, 2022, Governor DeWine signed Senate Bill 210 (Sen. Gavarone) into law. The bill contains several changes to domestic relations law and eliminates a population requirement for appointment of acting judges.

“Postnuptial Agreements”

Since 1984, Ohio case law has recognized Antenuptial Agreements, commonly called Prenuptial Agreements or “prenups.” (See *Gross v. Gross*, 11 Ohio St. 3d 99 (1984)). This bill enacts authority to create Postnuptial Agreements, written contracts created between two spouses after entering into a marriage (R.C. 2111.10). Postnuptial Agreements must comply with the “*Gross v. Gross* factors,” which require that the agreement must be made in writing and signed by both parties; be free of fraud, duress, coercion or overreaching; made with full disclosure and knowledge of the nature, value and extent of the property of both spouses; and with terms that do not promote or encourage divorce or profiteering by divorce (R.C. 3103.061).

Legal Separation

The bill grants domestic relations courts the authority to terminate a decree of legal separation on a motion signed by both spouses (R.C. 3105.17).

Elimination of Social Security Requirement

The bill eliminates former R.C. 3105.72 entirely. This statute required domestic relations courts to keep the full Social Security number of parties to an action, contrary to Rule 44 of the Rules of Superintendence for the Courts of Ohio.

Dating Violence Protection Order Gap

The bill addresses an unintended gap in R.C. 3113.31, the Dating Violence and Domestic Violence statute, by modifying the previous requirement that a petitioner must be an adult. The bill allows any “individual,” including a juvenile, to petition the domestic relations court for a protection order against an adult.

Appointing Acting Judges

Prior to enactment, the House Civil Justice Committee amended the bill to remove the population limit and in-territory residency preference for appointing acting county or municipal court judges (R.C. 1901.121 and R.C. 1907.141). This change was needed in order to both maintain the quality and increase the diversity of the pool of acting judges.

The Ohio Senate passed the bill by a vote of 30-1 on November 16, 2021, and the House of Representatives passed the bill by a vote of 76-2 on December 1, 2022. The Senate concurred in the House amendments by a vote of 28-1 on December 7, 2022.