

HOLMES COUNTY PROBATE COURT
OHIO MARRIAGE AGE REQUIREMENTS

O.R.C. Section 3101.02, 3101.04, 3101.041 and 3101.042

Age requirements to marry in Ohio have been changed. These changes became effective April 8, 2019 and are explained below.

1. What if I am sixteen or younger? The new law prohibits any person age sixteen or younger from marrying in Ohio. This is true regardless of whether that person's parents or guardians agree to the marriage.

2. What if either or both of us are 17?

The new law requires that before the Probate Court can issue a marriage license, the parties must go to Juvenile Court.

a) If both parties are age 17, the Juvenile Court must consent to the marriage before Probate Court may issue a license.

b) If only one of the parties is age 17, the Juvenile Court must consent to the marriage before Probate Court may issue a license. **However**, if only one of the parties is age 17, the Juvenile Court will not consent to the marriage if the other party is more than four years older.

3. How do we get consent in Juvenile Court?

You will have to file an Application with the Juvenile Court and pay a filing fee in the amount of \$48.00. Instructions and application are available in the Juvenile Court clerk's office or at the website *co.holmes.oh.us/juvenile-court-overview*.

The Juvenile Court Judge or Magistrate is required to do all of the following:

- a) Talk to the parent or legal guardian of each party who is 17;
- b) Appoint an attorney for each party who is 17 to serve as Guardian ad litem for that party. The Guardian ad litem will investigate the situation and report his or her findings to the Juvenile Court. You will be required to pay a fee of \$150.00 for each Guardian ad Litem when your application is filed; and
- c) Hold a hearing on the consent request. You must attend the hearing and testify about your request for consent.

4. What has to be proved in Juvenile Court to get consent?

It must be proved that all of the following are true:

- a) Each 17-year-old is in the military, or is employed and meeting his or her financial needs, or is independent from the care of his or her parent or guardian;
- b) Each 17-year-old is not being forced to marry; and
- c) The marriage of each 17-year-old is in his or her best interest.

5. What happens if we get consent in Juvenile Court?

You will then apply for a marriage license in Probate Court.

If one of the parties is 17, the parties must state they have received marriage counseling that is satisfactory to the Court.

Probate Court cannot issue the marriage license until at least 14 days after Juvenile Court grants consent.

6. How do we prove our age?

You will be required to prove that you are 17. You may use any one of the following:

- a) A copy of a birth record;
- b) A birth certificate;
- c) A baptismal record showing your date of birth;
- d) A passport;
- e) A license or permit to operate a motor vehicle;
- f) A government or school-issued identification card showing your date of birth;
- g) An immigration record showing your date of birth;
- h) A naturalization record showing your date of birth;
- i) A court record or any other document or record issued by a governmental entity showing your date of birth.

7. What if we are both 18 or over?

If both parties are 18 or over, you may obtain your marriage license through the normal procedure in Probate Court.