



Name of Country and Jurisdiction:  
**Ohio, United States**

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to Ohio, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to Ohio for an authority to grant a divorce/dissolution?



**1. What forms of legally recognized relationships are available?**



LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered <sup>1</sup>	Ohio	Ohio Constitution Article XV, § 11 Ohio Revised Code § 3101.01	Yes <sup>2</sup>

1 Some cities and counties have created domestic partnership registries solely to extend certain benefits to domestic partners and children of city/county employees. E.g., Columbus City Code § 229 and Cuyahoga County, Ordinance No. 02011-0042. These local ordinances are not recognized by the state.

2 On June 26, 2015, the United States Supreme Court issued a decision in four consolidated cases from the Sixth Circuit Court of Appeals under the name *Obergefell v. Hodges*, 576 U.S. \_\_\_\_\_ (2015), regarding same-sex marriage. The appeals arose from federal district court decisions in Michigan, Kentucky, Ohio, and Tennessee, which struck down as unconstitutional laws that denied the 14 petitioners the right to marry or refused to give full recognition to marriages lawfully performed in another state. The laws at issue in those states define marriage as a union between one man and one woman. The Sixth Circuit had reversed those decisions (in *DeBoer v. Snyder*, 772 F.3d 388 (2014)), holding that a state had no constitutional obligation to allow same-sex marriages or to recognize those performed in another state. In a 5-4 majority opinion, the U.S. Supreme Court held that the Fourteenth Amendment requires a state to license marriages between same-sex couples and to recognize lawfully performed same-sex marriages from another state. The Court held that the right to marry is protected under both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment. Because the Court found that state laws at issue burden the liberty and abridge the equality of same-sex couples, they must be struck down.

**Q**

**2. What are the requirements to be able to enter into the above relationships?**

**A**

(i) Geographic requirements:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage, registered	There is no residency requirement in Ohio.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Men under 18 and women under 16 cannot enter into a marriage. Minors may marry only with consent from their parent(s), legal guardian, or custodian, or by court order. Parties who are nearer of kin than second cousins may not marry.

**Q**

**3. If both marriage and civil unions exist:**

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).

**A**

(a)–(c)	Not applicable because there are no civil unions in Ohio.
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**Q**

**4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?**

**A**

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Parties cannot be married if either has a living spouse.

**Q**

**5. When a couple comes to Ohio, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?**

**A**

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	An out-of-state marriage is valid in Ohio if it is valid where entered into.

**Q**

**6. How can each form of relationship be dissolved? What is the residency requirement or other link to Ohio for an authority to grant a divorce/dissolution?**

**A**

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	A court can grant a divorce if, at the time the petition is filed, the petitioner in the action has been a resident of the state for at least six months.

**Sources:**

- Ohio Constitution Article XV, § 11.
- Ohio Revised Code Annotated 3101.01.
- Ohio Rev. Stat. Chs. 3101, 3103, 3105.
- 45 Ohio Jur. 3d Family Law § 11.
- *Obergefell v. Hodges*, 576 U.S. \_\_\_\_\_ (2015).

**See also:**

- Columbus City Code § 229 (amends Ordinance No. 1077-2010).
- County Council of Cuyahoga County, Ohio, Ordinance No. 02011-0042.
- Ohio Revised Code Annotated 3101.05.
- Ohio Revised Code Annotated 3105.01.
- Ohio Revised Code Annotated 3105.03.
- Ohio Revised Code Annotated 3105.31.
- Ohio Revised Code Annotated 3105.61.