

IF YOU ARE SEEKING *CONSENT TO MARRY* FROM THE JUVENILE COURT IN ORDER TO RECEIVE A MARRIAGE LICENSE FROM THE PROBATE COURT, PLEASE REVIEW THE FOLLOWING PROCEDURE:

The Ohio legislature recently enacted changes to when and how minors can get married. These changes are contained in ORC §3101, and require the following:

- The minor to be married must be 17 years old; younger than 17 cannot be married.
- If the minor is to be married to an adult, the difference in age can be no more than 4 years.
- Each minor must file their own separate application.
- A hearing will be scheduled for each application.
- The Court is required to appoint a Guardian ad Litem¹ for each minor requesting the Court's consent to marry. The Guardian ad Litem will investigate the request and make a recommendation to the Court.

Additionally, the following information is important to know:

- There is a filing fee for the *Application for Consent to Marry*.
- The parents and legal custodians of the applicant will be required to either sign the Waiver of Notice indicating they are aware that the Petition is filed, or will be sent notice of the hearing via mail. The parents/legal custodians for each minor should plan to attend all scheduled hearings.
- The Court understands that there are times where it is not appropriate to have a parent present at scheduled hearings. These are usually limited to cases where there is a protection order in place or custodial rights have been permanently terminated. All documentation related to these or other similar situations should be brought to Court, and the assigned Judge will determine whether the documentation is sufficient to proceed without a parent's involvement at the hearing.
- The cost of the Guardian ad Litem will be paid by the applicant in the case. The applicant will be required to make arrangements to have an initial deposit paid to the Guardian ad Litem prior to the commencement of their investigation.
- The minor applicant, the prospective spouse, and the families of both should cooperate with the Guardian ad Litem during their investigation.
- The minor applicant and the prospective spouse should attend all hearings and should bring proof of their date of birth to each hearing.

The Self-Represented Resource Center on the 4th floor can assist with filling out the required forms. Clients are seen on a first come/first serve basis.

- The minor requesting the Court's consent should complete the ***Application for Consent to Marry*** and file it with the Juvenile Division of the Clerk of Court.
- The minor applicant shall schedule their hearing with the Juvenile Court's Assignment Office on the 4th floor.
- If the minor's parents/legal custodians are not present when the application is filed, the applicant will also need to complete ***Instructions for Service*** in order to have the ***Application for Consent*** and a completed ***Notice of Hearing*** with court date sent to their parents/legal guardians.

¹ Entry Order Appointing GAL Adult.Minor Parent.Consent (eJU0340 ADU.CTM)

**IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS AND JUVENILE BRANCH**

IN THE MATTER OF:

(NAME)

(ADDRESS)

CASE NO:

JUDGE

MAGISTRATE

APPLICATION FOR CONSENT TO MARRY

I, _____ (date of birth: _____), am 17 years old and request
the consent of the Franklin County Juvenile Court to marry _____,
who is _____ years of age (date of birth: _____) and who resides at the following address:

MINOR APPLICANT

PROSPECTIVE SPOUSE

Applicant states that she/he is / is not already a ward of the Court, the prospective spouse is at least 17-years-old, and the age difference between applicant and prospective spouse (if an adult) is 4 years or less. Applicant requests a Consent to Marry pursuant to Juvenile Rule 42, and the requisite order from the Juvenile Court be issued simultaneously stating that she/he is emancipated pursuant to ORC 3101.042.

Note: Proof of age for both the Applicant and the prospective spouse MUST be provided at the time of hearing.

Additionally, Applicant states that the following justification exists and that testimony related to any selection below will be offered at the time of hearing:

(select the appropriate reason below; additional proof will be requested at the time of hearing)

- _____ I have entered the armed services of the United States
- _____ I am employed and self-subsisting
- _____ I am independent from the care and control of a parent, guardian, or custodian.

The names and addresses of my parents/legal custodians are as follows. I have provided *Instructions for Service* along with this Application (if parents/legal custodians are not present to sign the *Waiver of Notice* on the next page):

Parent/Legal Custodian 1:

Parent/Legal Custodian 2:

Parents whose rights have been terminated by a children services agencies shall not be listed. If a protection order exists such that notification creates a risk of harm, the name and address of that legal custodian shall not be listed, but substantial proof of a protection order or other stay away order shall be provided at the time of hearing.

I **HAVE** / **HAVE NOT** filed an Application for Consent to Marry or similar action in another County. *If you HAVE filed in another County, please list the County:* _____.

The undersigned Applicant swears or affirms that the information provided above is true and accurate to the best of their knowledge, that her/his decision to marry is free from force and/or coercion, and the Applicant requests that her/his *Application for Consent to Marry* be granted.

MINOR APPLICANT

WAIVER OF NOTICE

The biological parents and/or legal custodians of the minor Applicant listed above shall be given notice by ordinary mail unless their signature is below. Persons listed below are required to appear at all scheduled hearings.

Parent/Legal Custodian #1 - Signature

Parent/Legal Custodian #2 – Signature

Parent/Legal Custodian #1 – Print Name

Parent/Legal Custodian #2 – Print Name

Relationship to Minor Applicant

Relationship to Minor Applicant

SWORN TO BEFORE ME AND SIGNED IN MY PRESENCE THIS _____ DAY OF _____, 20____.

MARYELLEN O’SHAUGHNESSY, CLERK
COURT OF COMMON PLEAS

DEPUTY CLERK

FOR COURT USE ONLY

<input type="checkbox"/> Proof of age provided for minor Applicant.	<input type="checkbox"/> Proof of age provided for prospective adult spouse.
<input type="checkbox"/> <u>Both</u> persons 17 or older (if not, then <i>Consent</i> cannot be granted).	<input type="checkbox"/> Age Difference 4 Years or Less (if greater than 4 years, <i>Consent</i> cannot be granted).
Status of Parent/Legal Custodian (consent of a parent/legal custodian is not required, but an inquiry is required pursuant to 3101.041) <input type="checkbox"/> Available. <input type="checkbox"/> Not available because incarcerated or institutionalized. <input type="checkbox"/> Not available because they abandoned the minor. <input type="checkbox"/> Not available because parental rights have been terminated and the minor is in the custody of a child services agency. <input type="checkbox"/> Not available because of risk of harm to the minor and sufficient proof provided.	<input type="checkbox"/> If both persons are minors, have each filed an Application?
	<input type="checkbox"/> County where Marriage Application will be/was made?
Emancipation Factors	
<input type="checkbox"/> Sufficient testimony offered to warrant emancipation	<input type="checkbox"/> Insufficient testimony offered to warrant emancipation



**IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
JUVENILE DIVISION**

Plaintiff / In the matter of:

vs.

Case No. _____

Defendant

NOTICE OF HEARING

The foregoing Motion will come on for hearing in the Court of Common Pleas, Juvenile Division,
373 South High Street, Columbus, Ohio 43215 6th th Floor, on the _____ day of _____,
20____ at _____ .m. in Courtroom _____

or

399 South Front Street, Columbus, Ohio 43215 Court Room # _____ on the _____ day of _____,
20____ at _____ .m.

ATTORNEY

**MARYELLEN O'SHAUGHNESSY
FRANKLIN COUNTY CLERK OF COURTS
JUVENILE DIVISION
373 South High Street
Columbus, Ohio 43215-4596**

In the matter of:

VS.

Case no. _____

TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO MAKE:

- ORDINARY MAIL SERVICE**
 CERTIFIED MAIL SERVICE
 PERSONAL SERVICE VIA SHERIFF OF _____ COUNTY
 PERSONAL SERVICE VIA PROCESS SERVER _____

UPON:

(NAME)

(ADDRESS)

PACKET CONTENTS: _____

ATTORNEY/ PRO SE

SUPREME COURT I.D.

PRINT NAME

ADDRESS: _____

CITY: _____ STATE: _____

ZIP CODE: _____

PHONE NUMBER _____