

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 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.
- If two minors wish to marry each other, each minor must file their own separate application.
- Each party to the intended marriage who is seventeen years of age must have:
 - entered the Armed Services of the United States; or
 - has become employed and self-sustaining; or
 - has otherwise become independent from the care and control of the party's parent, guardian, or custodian.
- A hearing will be scheduled for each application.
- The Court is required to appoint a Guardian ad Litem 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.
- 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 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 must attend all hearings and should bring proof of their date of birth to each hearing.
- The minor requesting the Court's consent must complete the ***Application for Consent to Marry*** and file it with the Juvenile Division of the Court of Common Pleas.
- 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.

OHIO LAW ON JUVENILE CONSENT TO MARRY JUVENILE RULE 42

The Washington County Juvenile Court accepts Applications for Consent to Marry in accordance with Juvenile Rule 42. The requirements are as follows:

ORC 3101.02

(A) If both persons to be joined in marriage are the age of seventeen they may be joined in marriage only if the Juvenile Court has filed a consent to the marriage under section ORC 3101.04.

(B) If only one person is the age of seventeen that person may be joined in marriage only if both of the following apply:

- (1) The Juvenile Court has filed a consent to the marriage under ORC 3101.04.
- (2) The other person to be joined in marriage is not more than four years older.

ORC 3101.041

In determining whether to file the consent under ORC 3101.04, the Juvenile Court shall do all of the following:

(A) Consult with any of the following for each party to the intended marriage who is seventeen years of age: Parent, a Legal Custodian, a Legal Guardian, a representative from Children Services (if Permanent Custody has been granted).

(B) Appoint a Guardian ad Litem for the Juvenile applicant(s).

(C) Determine all of the following:

- (1) Each party to the intended marriage who is seventeen years of age has entered the Armed Services of the United States, or has become employed and self-subsisting, or has otherwise become independent from the care and control of the party's parent, guardian, or custodian.
- (2) For each party to the intended marriage who is seventeen years of age, the decision of that party is free from force or coercion.
- (3) The intended marriage and the emancipation under ORC 3101.042 is in the best interests of each party of the intended marriage who is seventeen years of age.

ORC 3101.042

When the Juvenile Court files a Consent to Marriage pursuant to the Juvenile Rules, the Court shall also issue an order regarding each party to the marriage who is seventeen years of age. The Court Order shall specify that the party has the capacity of an eighteen year-old person as described in ORC 3109.011.

Only the Judge may grant the Consent to Marry. If granted, a Certified Copy of the Judge's Entry will be presented to the applicant(s). The applicant(s) must wait a minimum of fourteen (14) consecutive days before filing an Application for Marriage with the Probate Court.

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

IN THE MATTER OF:

CASE NO. _____

A Minor Seeking Consent To Marry

**APPLICATION FOR CONSENT TO MARRY
ORC 3101.02 & JUV. R. 42**

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

I state that the person I seek to marry is at least 17 years old and that the age difference between myself and prospective spouse (if an adult) is 4 years or less. Further I state that I am a resident of Washington County, Ohio and that no other application has been filed in any other county of this state. I am requesting a Consent to Marry pursuant to Juvenile Rule 42, and an Order from the Juvenile Court stating that I am 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, I state that the following justification exists and that testimony related to any selection below will be offered 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 parent(s)/legal custodian(s) are as follows for purposes of serving them notice of this Application since he/she/they are not present to sign the *Waiver of Notice* on the next page):

Parent/Legal Custodian 1:

Parent/Legal Custodian 2:

I hereby swear or affirm that the information provided above is true and accurate to the best of my knowledge, that my decision to marry is free from force and/or coercion, and requests that my *Application for Consent to Marry* be granted.

Minor Applicant

Address

City, State, Zip

Telephone Number

PLEASE NOTE: If the other party to the marriage is also under the age of eighteen (18), each party will need to complete their own application.

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____

TIMOTHY A. WILLIAMS, JUDGE

By: Deputy Clerk

JUVENILE CONSENT TO MARRY INFORMATION SHEET

Applicant:

Full Name: _____ Date of Birth: _____ Age: _____

Current Address: _____ City: _____

State: _____ Zip Code: _____ Telephone Number: _____

School or Employment Status: _____

Parent(s)/ guardian(s)/ Legal Custodian(s):

Full Name: _____ Relationship to Petitioner: _____

Current Address: _____ City: _____

State: _____ Zip Code: _____ Telephone Number: _____

Full Name: _____ Relationship to Petitioner: _____

Current Address: _____ City: _____

State: _____ Zip Code: _____ Telephone Number: _____

Intended Spouse Full Name:

Full Name: _____ Date of Birth: _____ Age: _____

Current Address: _____ City: _____

State: _____ Zip Code: _____ Telephone Number: _____

School or Employment Status: _____

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

IN THE MATTER OF:

CASE NO. _____

A minor seeking consent to marry

TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO SERVE THE APPLICATION FOR CONSENT TO MARRY, GUARDIAN AD LITEM ORDER AND NOTICE OF HEARING BY:

ORDINARY MAIL SERVICE

CERTIFIED MAIL SERVICE

PERSONAL SERVICE VIA SHERIFF OF _____ COUNTY

PERSONAL SERVICE VIA PROCESS SERVER _____

UPON:

Name

Address

Packet Contents: _____

Attorney

Print Name

Attorney Registration No.

Address

City, State, Zip

Telephone Number