



Ohio Judicial Conference

The Voice of Ohio Judges

House Civil Justice Committee
Judge Randall D. Fuller
Proponent Testimony on Senate Bill 210
March 1, 2022

Chair Hillyer, Vice Chair Grendell, Ranking Member Galonski, and members of the House Civil Justice Committee, I thank you for this opportunity to submit proponent testimony for Senate Bill 210 on behalf of the Ohio Judicial Conference.

I am Judge Randall Fuller. I was elected to serve as the first Judge of the Common Pleas Court of Delaware County, Domestic Relations Division in 2016. Prior to taking the bench, I practiced law in downtown Delaware for 21 years. I currently serve as the President-Elect of the Ohio Association of Domestic Relations Judges and as President of the Ohio Chapter of the Association of Family and Conciliation Courts (AFCC). I am a member of the Ohio Judicial Conference's Executive Committee, Domestic Relations Law and Procedure Committee, Court Administration Committee, Court Technology Committee and a member of the Judicial Advisory Group. I am also a member of the Ohio Judicial College's Board of Trustees, a member of the National Council for Juvenile and Family Court Judges and a member of the American Judges Association.

Substitute Senate Bill 210 contains several provisions that will improve the practice of law in Ohio. First, it will allow a married couple to create a postnuptial agreement or modify an existing antenuptial agreement, or as it is commonly called, a prenup. This will bring Ohio in line with the vast majority of states allowing contracts between married couples. Postnuptial agreements must comply with proposed R.C. 3103.061, which requires the agreements to 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. The OJC's Domestic Relations and Probate Law & Procedure Committees have both reviewed the postnuptials statutes and have no concerns with the language.

Second, the bill grants domestic relations courts the authority to terminate a decree of legal separation on a motion signed by both spouses. This creates an option for couples who reunite after signing the binding legal separation agreement.

Third, the bill will delete R.C. 3105.72 entirely. This 1998-enacted statute requires domestic relations courts to keep the Social Security number of parties to an action, contrary to Rule 44 of the Rules of Superintendence for the Courts of Ohio. Sup. R. 44(G) & (H) explicitly prohibit courts from maintaining personal identifiers including Social Security Numbers, except for the last four digits. The bill will eliminate this conflict between the Rules of Superintendence and the Revised Code.

Finally, the bill addresses an unintended gap in R.C. 3113.31, the Dating Violence and Domestic Violence statute. Several judges have reported an inability to grant a dating violence protection order to a minor

who was dating an adult. This comes up most often with a teenage girl, age 15 to 17, who was dating a young adult, age 18 to 20, and now needs a protection order against her ex-boyfriend. The (A)(9) provision currently requires both the petitioner and respondent to be adults. Since the respondent is an adult, the petition could not be filed in juvenile court, leaving no venue for the minor domestic violence victim to get a protection order. Sub. S.B. 210 clarifies the statute to allow a juvenile to petition the domestic relations court for a protection order against an adult. This will ensure that anyone who needs a dating violence protection order can petition for one.

Thank you for the opportunity to testify in support of S.B. 210. We thank the sponsor, Senator Gavarone, for addressing all of our concerns during the drafting process and further improving the bill with our suggested amendments in the Senate. We look forward to working with her and members of this Committee on any additional improvements to the bill, if needed. I am available to answer any questions you may have.