

MAR 23 2020

THOMAS M. O'DIAM
JUDGE PROBATE DIVISION
COURT OF COMMON PLEAS

PROBATE COURT OF GREENE COUNTY, OHIO

IN RE:
OFFICE ADMINISTRATION

Case No. 11540MISC

Judge Thomas M. O'Diam

**ORDER ADOPTING
EMERGENCY MARRIAGE LICENSE
PLAN**

As a result of the national, state and county declaration of a public health emergency regarding the coronavirus ("COVID-19") outbreak and worldwide pandemic, the Court adopts the Emergency Marriage License Plan for Greene County Common Pleas Court, Probate Division, attached to this Order as Exhibit A and incorporated by reference. The Court reserves the right to modify the Plan as it deems necessary to address changing circumstances as they may occur.

The Court orders that this Plan will become effective and will be implemented as the exclusive way to obtain a marriage license in Greene County, Ohio beginning at 4:00 p.m. on Monday, March 23, 2020.

This Plan will remain in effect until further Order of this Court.

It is so ordered.



Thomas M. O'Diam, Judge

EMERGENCY PLAN FOR MARRIAGE LICENSES

ONLINE MARRIAGE LICENSE SOLUTION FOR THE CORONAVIRUS PUBLIC HEALTH EMERGENCY

Objectives

- Confront the unprecedented national, state and local coronavirus public health emergency with creative solutions that meet the full intent of the law, although perhaps in an unfamiliar way.
- Create a system for continuing the uninterrupted issuance of marriage licenses to residents of Greene County, Ohio regardless of current or future restrictions imposed to combat the severity of the coronavirus outbreak.
- Meet the criteria set by public health officials to minimize – in this case eliminate – person-to-person contact during this public health emergency.
- The solution must balance the intent of the law with the reality of the existing public health emergency to allow the public access to justice in the safest manner possible.

Legal Basis

- R.C. §3101.05(A) requires the couple to “personally appear” in the probate court.
 - This solution does that, but defers the personal appearance until after the public health emergency has passed.
- R.C. §3101.05(A) also authorizes the probate judge to grant a marriage license “at any time after the application is made.”
 - This solution does that by requiring electronic submission of the application and supplement before issuance of the license, but before “personally appearing” before the court to finalize supporting document review and signing under oath.
 - It conditions “final approval” on satisfaction of certain remaining conditions promptly after the public health crisis subsides.
- R.C. §3101.09 prohibits solemnization of the marriage without the issuance of a license.
 - This solution meets that requirement by issuing the license before solemnization, but conditioned on satisfaction of certain requirements after the public health emergency has abated.
- R.C. §3101.13 grants 30 days in which to return the officiant’s certificate verifying solemnization of the marriage to probate court.
 - This solution satisfies this requirement by permitting the certificate to be returned to probate court electronically.

Process

- Applicants complete the Court’s existing online Marriage License Application and electronically send it to the Court using the “Submit” button.
 - Note: We will disable the automated appointment scheduler since we will not be taking in-person appointments during the health emergency period.
- Applicants then complete the special Supplement to Marriage License Application on the Court’s website, verifying the availability of all supporting documentation and other material points in the oath, and acknowledging the conditions they must complete in person at the Court after the health emergency ends.

- After printing the Supplement, both applicants sign it and return it to the Court by mail, fax or by email as a scanned document.
- The Court then approves the Marriage License using its digital signature and digital court seal.
- The Court sends the approved Marriage License to the applicants by email.
- After performance of the marriage ceremony, the wedding officiant completes the Certificate of Marriage Ceremony and sends it to the Court by mail, fax or by email as a scanned document.
- Upon receipt of the officiant's return, the Court enters the appropriate data in its system to enable creation of the online Certified Copy of Marriage Record. The Court will also mail the applicants an original of the Certified Copy of Marriage Record.
- After the health emergency ends and the Court resumes full in-person operations, the Court will schedule an appointment with the applicants to formalize the in-person details of the application process.
- If the applicants fail to complete the in-person formalization of the application process within 60 days after the Court resumes full operations, the Court will void the marriage on its records and will not process the marriage through the State of Ohio.

Implementation

- Develop simple, understandable instructions for couples to follow to navigate the process.
- Create simple, understandable forms for couples to complete and submit to the Court.
- Post the instructions and forms on the Court's website.
- Court staff will monitor and process the submitted forms remotely by computer.