Ohio Legislative Service Commission

Bill Analysis Greg Schwab

H.B. 516
131st General Assembly
(As Introduced)

Rep. Celebrezze

BILL SUMMARY

- Requires a court to issue mutual restraining orders upon the filing of a complaint for a divorce, annulment, or legal separation to both parties to the divorce, annulment, or legal separation.

- Specifies the restraints to be imposed by mutual restraining orders on the parties to a divorce, annulment, or legal separation.

CONTENT AND OPERATION

Mutual restraining orders

The bill requires a court to issue mutual restraining orders on both parties to a divorce, annulment, or legal separation upon the filing of a complaint for divorce, annulment, or legal separation. The mutual restraining orders must restrain both parties from all of the following actions:[1]

(1) Obstructing or interfering with the other spouse's parenting time or communication with the minor child or children of the parties;

(2) Concealing the location of the minor child or children of the parties from the other spouse, except in cases where a protection order has been issued under the Domestic Violence Law[2] or Domestic Relations Law;[3]

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[1] R.C. 3105.172.

[2] R.C. 2919.26.

[3] R.C. 3113.31.

(3) Removing the minor child or children of the parties from the jurisdiction of the court, other than temporarily for vacation, travel, visitation with the extended family, camp, or recreation;

(4) Disparaging, denigrating, or otherwise speaking ill of the other spouse to or in the presence or hearing of the minor child or children of the parties;

(5) Selling, removing, transferring, encumbering, pledging, damaging, hiding, concealing, assigning, or disposing of any and all property, real or personal, owned by both spouses, or either spouse, or a child, including household goods, vehicles, and the personal property of each, without the prior written consent of the spouse or the court;

(6) Voluntarily changing the terms or beneficiary of, terminating coverage of, cashing in, borrowing against, encumbering, transferring, canceling, or failing to renew any type of insurance, including health, automobile, life, disability, home, or fire insurance, that provides coverage for a spouse or child or children of the parties;

(7) Voluntarily liquidating, encumbering, borrowing against, cashing in, or changing the beneficiary, terms, or conditions of any retirement or pension plan or program that provides any benefit to a spouse or child or children of the parties;

(8) Withdrawing funds from any of the following: (a) a joint or individual bank, savings and loan association, or credit union account, (b) retirement or pension funds, including IRA, Keogh, deferred compensation, or 401(k) accounts, and (c) trust brokerage houses or other financial institution accounts, except if such accounts are business accounts; provided however, that no stock broker is restrained from buying, selling, or otherwise dealing with any stock, bond, or other investment for the account of either spouse or both spouses. The bill specifies that a mutual restraining order is not intended to restrain moneys received in the form of wages.

(9) Removing from the marital residence tangible personal property, other than a spouse's own clothing and personal effects or tools, equipment, books, and papers incidental to the conduct of the spouse's own trade, business, or profession;

(10) Incurring debt on existing lines of credit or credit cards in the name of the other spouse or in the spouses' joint names, unless by prior written agreement of the spouses or order of a court;

(11) Communicating with the employer, business associates, patients, or customers of the other spouse;

(12) Entering upon the premises of the other spouse's employer, provided that the parties are not employed by the same employer;

(13) Changing the place of a minor child's education or worship.

HISTORY

ACTION	DATE
Introduced	04-13-16