

FILED 6/9/15

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION

STATE OF OHIO)
)
COUNTY OF PORTAGE)

CASE NO.:

IN THE MATTER OF:

JOURNAL ENTRY

MARRIAGE LICENSE APPLICATIONS

There is currently a U.S. Supreme Court decision (*Obergefell v. Hodges*, Case No. 14-556) which will be released this month that may affect marriages in Ohio. In a compilation of four cases the U.S. Supreme Court is deciding whether bans on same sex marriages are constitutional. The Decision, although complex, may affect Ohio as follows:

- 1) Immediately require marriage licenses to be issued to same sex couples and affect adoptions, estates, wrongful deaths and other areas of Probate Law.
- 2) Allow each state to choose who may marry but require states to recognize legal marriage relationships of same sex couples legally married in other states. (Currently, thirty-six states and the District of Columbia recognize same sex marriage).
- 3) Not affect Ohio law at all.

If the U.S. Supreme Court rules that the equal protection clause mandates that any couple may be married regardless of gender, the Portage County Probate Court will need to immediately modify forms, procedures, and accommodations to make such a change.

The opinion, which may be lengthy, will have to be studied by the Magistrates and the Judge so they can properly advise the Probate Clerks.

If that occurs, all marriage license applications shall be suspended for the balance of the business day on the day the Decision is released, except for active duty military personnel, and resume the next day after the Court makes the appropriate adjustments and changes.

During that twenty-four (24) hour period, cards will be issued at the Probate Court to applicants so that when the marriage application process is reopened those couples shall be served first.

The Probate Judge will be available on the day after the reopening of marriage license applications, (through June 30, 2015), to perform civil marriage ceremonies which will be scheduled every thirty (30) minutes on a first come first serve basis. Reservations may be made by contacting Cathy at (330) 297-3870.

The purpose of this Order is to advise citizens of this extraordinary situation so they may plan accordingly for a potential delay in the Portage County Probate Court's issuing of marriage licenses.

IT IS SO ORDERED.

ROBERT W. BERGER, JUDGE
PORTAGE COUNTY COMMON PLEAS COURT
PROBATE DIVISION