

MEMORANDUM

TO: Senator Applegate  
FROM: Legislative Service Commission, Charles Sell  
DATE: October 2, 1974  
SUBJECT: Status of the Law on Divorce, Alimony, and Child Custody and Visitation.

Divorce proceedings in this state have been substantially revised by H. B. 233 which passed the Legislature this year and became effective September 23, 1974. The particular grounds for granting a divorce, including gross neglect and extreme cruelty, would still apply if a divorce was contested by one of the parties. Under the new dissolution of marriage sections, however, the spouses can obtain a dissolution of their marriage provided the spouses have agreed in writing to all relevant matters, including child custody, support, and visitation, and a division of their property.

There is no provision in the law that deals with the amount of time that should be spent on a divorce proceeding by the court. In the new law, however, a court is given a method to delay a divorce proceeding if the court feels that there is some chance of a reconciliation between the parties. A court, after a divorce proceeding has been initiated, may order the parties to submit to conciliation procedures for not more than 90 days. A court may act on its own or after a motion by one of the parties who is interested in conciliation. The court names the conciliator, and the court may not make a decision on the divorce until the conciliator has made his report to the court.

The new law gives a court standards to apply when deciding what is in the best interests of a child. A court is permitted further to order the parties and their minor children to submit to medical, psychological, and psychiatric examinations before deciding to whom the care and custody of a child is to be given. Revised Code section 3109.04.

The new law gives a court standards to apply in determining whether alimony is necessary and the amount that is appropriate (R.C. sec. 3105.18), and additional standards are established to assist a court in determining the amount necessary for child support (R.C. sec. 3109.05). A court has always had the specific authority to modify the child support order or the award of alimony if the court determines after a hearing that the party making the child support and alimony payments is being prevented repeatedly from exercising his visitation rights. R.C sec. 3109.05.

I am enclosing with this memo a copy of the Summary of H. B. 233 which provides a more detailed analysis of the new law.

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Enclosure: Summary of H. B. 233