



What are the Grounds for Divorce in Ohio

In order to obtain an Ohio Divorce, the court must find that there are statutory grounds to terminate your marriage. The grounds for divorce in Ohio are set forth in Ohio Revised Code §3105.01 and are divided into two (2) categories: Fault and No-Fault.

There are two (2) No-Fault grounds for divorce. The first is incompatibility, which must be agreed upon by both parties. The second is living separate and apart without cohabitation for more than one (1) year.

There are nine (9) Fault Grounds which are as follows: (1) bigamy (ie. if one spouse is legally married to another person at the time of the marriage between the parties) ; (2) willful absence from the marital residence for more than one year; (3) adultery; (4) extreme cruelty; (5) fraudulent conduct; (6) gross neglect of duty; (7) habitual drunkenness; (8) imprisonment of a spouse at the time of the filing of the complaint for divorce; and (9) one spouse obtaining an out-of-state divorce against the other spouse.

In most cases, parties to a divorce will agree on one of the two no-fault grounds. In the event that one party does not agree to the no-fault grounds, a hearing must be held and the other party must prove one of the fault grounds. Because of the subjective nature of some of the fault grounds (ie. extreme cruelty and gross neglect of duty), it is usually fairly easy to prove fault and objecting to the grounds for divorce only serves to make the divorce process more time-consuming and costly for both parties. It is for this reason that, at least by the end of a case, both parties are typically in agreement regarding the grounds for divorce. In my experience as a domestic relations attorney, I have had only two (2) cases in over ten (10) years in which a hearing had to be held on the grounds for divorce. In both of those cases, the court determined that there were grounds and granted the divorces.