

Does Section 11983 make it mandatory that service on the person only is sufficient in divorce cases or should the two sections above be considered together and is residential service in divorce actions satisfactory?

This office has been asked for an opinion on this question by the sheriff of Geauga County and in view of the non-existence of any opinion on the matter, by a tribunal of last resort, I am referring the question to you for your opinion."

Contrary to the statement in the last paragraph of your letter, the question of service of process in divorce and alimony cases was before the Supreme Court of Ohio in the case of Calvert vs. Calvert, decided January 15, 1936, and reported in 130 O. S. at p. 369. The opinion of Judge Williams in the above case indicates the answer to the inquiry in your letter fully and completely. I quote from the opinion, as found on p. 376, as follows:

"\* \* \* \* \* \* \* \* \* \* \* \* \* \* \*"

Gathered from all the statutes, the legislative intent was plainly to give expression to well recognized legal policy. The state is concerned in the administration of justice in divorce cases and in every such case there is involved a question of public policy. Marriage is the foundation of society, and out of the nuptials there arises a social status. Marriage is therefore more than a mere contract, and to many, due to their religious belief and the nature of the marriage ceremony, it is a sacrament. The policy of the law is to fully protect the institution of marriage, by decree of court, against dissolution through fraud, collusion, or connivance or without full opportunity for investigation and hearing. In keeping with this purpose the legislature has enacted the provisions peculiar to the issuance and service of process and the time of hearing in cases of this kind, \* \* \* \*"

Quoting again from the same opinion, on p. 374:

"\* \* \* \* \* \* \* \* \* \* \* \* \* \* \*"

The statutes regulating procedure in divorce and alimony have created certain safeguards which do not apply to any other action, among which are those relating to process \* \* \* \*"

And again on page 372 of the same opinion is found the following:

"\* \* \* \* \* \* \* \* \* \* \* \* \* \* \*"

With reference to process in divorce and alimony cases there