



Ohio Judicial Conference

The Voice of Ohio Judges

House Community and Family Advancement Committee

Paul E. Pfeifer

Interested Party Testimony on House Bill 366

Chair Ginter, Vice Chair LaTourette, Ranking Member Boyd, and members of the House Community and Family Advancement Committee, I thank you for this opportunity to submit interested party testimony for House Bill 366 on behalf of the Ohio Judicial Conference.

I am Paul Pfeifer, Executive Director of the Ohio Judicial Conference, former Justice of the Supreme Court of Ohio and former State Senator and Representative. I am testifying today to discuss the judges' concerns with H.B. 366, which focus primarily on two specific provisions of the bill. First, I want to clarify that the Judicial Conference is not opposed to all of H.B. 366. There are many provisions that we support. But for the sake of brevity, I will focus my testimony on the two parenting time provisions that the OJC would like to see changed.

Proposed R.C. 3119.231

H.B. 366 requires a court to consider a "substantial deviation" of child support payments if a noncustodial parent receives a parenting time order in excess of 147 overnights per year. This exchange of money for time spent with a child is a trade that judges refer to as "dollars for days." The provision creates the incentive to use parenting time for a financial purpose. While the bill grants discretion to disallow the reduction in the child support so long as the court's order specifies "the facts that are the basis for the court's decision," the provision will nevertheless encourage new legal battles as attorneys will focus their efforts on fighting for exactly the number of overnights required to receive the reduction. The result will be an increase court workload and will likely to lead to additional fighting between parents, which is not in the best interest of the child.

We recommend that this provision be removed from the bill. In the alternative, we are more than willing to help develop appropriate alternative language.

Proposed R.C. 3119.051

H.B. 366 also provides for a mandatory ten percent reduction in child support calculations in cases where parenting time is granted in excess of ninety or more overnights per year. We recommend that this reduction be removed from the bill or, if necessary, built into the child support table for the purposes of efficiency. Under the bill, more cases in domestic relations court will qualify for this reduction than those that do not. This means that for the majority of child support orders, the court is taking an extra step. It is our position that it would be more efficient and more practical for courts to implement this provision if the reduction were built directly into the table. The court could provide a corresponding ten percent increase in those cases where a parent is not granted the required visitation.

Thank you for the opportunity to testify. We look forward to working with Representative Gavarone and this Committee to improve the bill, and appreciate your openness to our concerns. I am available to answer any questions you may have.

Respectfully,

A handwritten signature in black ink that reads "Paul E Pfeifer". The signature is written in a cursive style with a large, prominent initial "P".

Paul E. Pfeifer

Executive Director