



HENRY COUNTY FAMILY COURT
COURT OF COMMON PLEAS
DOMESTIC RELATIONS and JUVENILE DIVISIONS

LEIGH GLICK
Deputy Clerk

NANCY THOMAS
Deputy Clerk

KATIE BADEN
Court and Program Administrator

DAN BAER
Attendance Officer

DENISE HERMAN McCOLLEY
Judge

MELISSA PEPER FIRESTONE
Magistrate

ELISSA CARRIZALES
ASHLEY ROHRS
Probation Officers

PAMELA THOMPSON
Assignment Commissioner

ABBIE BADENHOP
Family Intervention Court Coordinator

JESSE QUINONES
Family Intervention Court Case Manager

To: Chairman John Eklund, Vice Chairman Nathan Manning, Ranking Member Cecil Thomas, and members of the Ohio Senate Judiciary Committee
From: Denise Herman McColley, Judge, Henry County Family Court (Henry County Court of Common Pleas, Domestic Relations and Juvenile Divisions)
Re: Proposed Senate Bill 312 – Hardin County Common Pleas Court divisions
Date: September 23, 2020

Please accept this testimony in support of the realignment of the Hardin County Common Pleas Court.

As a point of history, until January 1, 2005, Henry County Common Pleas Court had one court with all four common pleas divisions combined. Early in the 2000's, as local attorneys and judges came to realize that one judge was not sufficient to manage the caseload of all four divisions, discussions were conducted as to what would be the best way in which to divide the court and to allow for two judges. Should it be the traditional divisions utilized in most of the smaller counties – juvenile and probate together and general and domestic relations together or should another division be explored?

After much review and discussion, the bar and bench recommended pursuing a configuration in which domestic relations and juvenile divisions would be together with general and probate divisions constituting the other bench. One might ask why Henry County chose to

go a different way than most of the smaller courts in Ohio. The reasons are many, but please consider the following:

1. When parties are going through a transition, whether it is parents who are divorcing or the separation of those who were never married, the primary focus of the court in most instances is upon their children. Unfortunately, many children act out during the time of family upheaval. The children's behavior may rise to the level in which unruly or delinquency charges are made against the youth. In addition, in some instances, the trauma occurring in the parents' lives results in their involvement in dependency cases regarding their children. In our court, with few exceptions, we have abided by the one family-one judicial officer rule. In this court, there are two judicial officers, the magistrate and the judge. If the parties have a divorce or allocation of parental rights and responsibility case filed or pending and, if there is a dependency case, delinquency, or unruly case filed or pending, one judicial officer hears the cases involving the family. Obviously, this creates less disruption for the family in that we are frequently able to schedule court hearings in their different cases at the same time and, most importantly, it provides a better outcome for the child. By working through both cases, we are best able to make appropriate referrals for parenting or youth classes or counseling and create parenting plans that provide for the needs of the child in an appropriate way. In addition, we are in a position to better engage the parties directly in recognizing the needs of their children. In many instances in divorce cases, working out the issues regarding their children, even leads to a more timely settlement of matters relative to division of property and debt and spousal support awards.

2. In the past, I have worked in a court divided in a more traditional fashion (domestic relations and general divisions with one judge and juvenile and probate divisions with a second judge). It was not unusual to see domestic relations cases proceed for a considerable period of time without the court knowing that there was a delinquency or unruly case pending in juvenile court. Even if both courts were aware of the other pending case, orders being made in separate courts did not necessarily mesh with one another, resulting in conflicting court orders, confusion and potential inadvertent violations of court or probation orders.
3. Fortunately, a judge in a unified domestic relations – juvenile court is able to take many continuing education classes that apply to both divisions. For instance classes in child development, mediation, parenting coordination, trauma within the family, domestic violence, child abuse, parental alienation, child support, use of guardians ad litem, statutory factors for allocating parental rights and responsibilities, conducting *in camera* interviews of children, and other topics are all applicable to both the juvenile and domestic relations divisions of the court. Granted there are some topics that just focus on domestic relations, such as property division and spousal support. And, of course, there are some topics that just focus on juvenile court, such as abuse, neglect and dependency cases, and juvenile delinquency or unruly cases, but even in those cases many of the topics first cited come into play. For a judge, the time and expense of attending or, at this point, virtually attending, classes that are applicable to both divisions makes great sense.

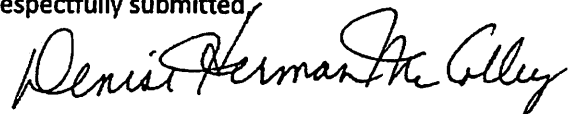
4. A judge in a unified court is able to develop expertise in dealing with children's issues, as the result of his or her specialized training and his or her continued exposure to those issues in the increased number of cases handled. Children benefit from a judicial officer who has developed his or her knowledge and proficiency in these areas and is, therefore, better equipped to handle the myriad of issues that come into the court.
5. With a unified domestic relations – juvenile court, if a party files for a civil protection order ("CPO") in the domestic relations division of the court, the court is able to make what are essentially emergency orders about children of the parties. However, the allocation of parental rights and responsibilities for the children ultimately must be decided in a juvenile court or domestic relations court proceeding pertaining to that issue. If the court is aware of the domestic violence situation, the outcome for the family can be improved. In addition, if there is a divorce, allocation of parental rights and responsibilities, delinquency or unruly case pending in either court, when issuing the CPO, the judicial officer is able to consider orders made in those other cases. On the other hand, in a separated court system, the CPO is filed in the general or domestic relations division and the court may well issue an order which conflicts with the court order in the other proceedings. The inconsistent court orders may result in continued conflict for the family and inadvertent disregard for one court's orders. Ultimately, this could result in a party being arrested and punished or in a child's violation of a court order giving rise to sanctions.
6. In a unified court system, all parties within a county have access to the same court-connected programs or benefits if they have children, regardless of whether their

children were born to married or single parents. This provides the advantage of being able to utilize programming and court staff with little duplication and allows those delivering the programs to develop enhanced expertise.

7. Particularly in child support or other matters concerning the allocation of parental rights and responsibilities, if a parent has cases in both the domestic relations and juvenile divisions of the court (e.g., a divorce with children born during the marriage being heard in the domestic relations division while an allocation of parental rights and responsibilities case with children born to one of the divorcing parents with a different individual being heard in the juvenile division of the court), orders in the two cases can be meshed so that parenting time orders or child support can be consistent with the circumstances of the family.

I would submit the list set out above is not a full list of the benefits of a unified court. Nevertheless, I am fully convinced of the advantages of having a domestic relations and juvenile division of a common pleas court combined. With that in mind, I firmly recommend that you approve Hardin County's request to reconfigure the divisions of its common pleas court to allow for the domestic relations and juvenile divisions to be together. Knowing that Hardin County and Henry County are similar in size and demographics leads me to believe that, with this division, Hardin County would enjoy the benefits that Henry County has experience with the family court concept.

Respectfully submitted,



Denise Herman McColley, Judge