



**Thomas West**

State Representative

49<sup>th</sup> District

Sponsor Testimony, February 29th 2022

H.B. 508

House Civil Justice Committee

Chairman Hillyer, Vice Chair Grendell, Ranking Member Galonski and members of the House Civil Justice Committee,

Thank you for the opportunity to provide sponsor testimony on HB508. This legislation will create a much needed comprehensive reform of the divorce and custody process in the state of Ohio.

The purpose of HB508 is to overhaul the broken family court system in Ohio that far too often leaves children and their parents facing inequity in our justice system. HB508 strives to create a system that is fair and just for the families going through a parental separation here in Ohio. The justice system in the United States operates under the legal presumption that all citizens are innocent until proven guilty in a court of law; however, such a presumption is absent in family court. The result is a system that creates winners and losers, and more often than not relegates one parent to a mere visitor in their child's life. Good parents are forced to duke it out—creating conflict and sabotaging any hope for the parents to work together for their child. This unnecessary conflict is absolutely *not* in the best interest of children.

Outdated and debunked scientific theories were used decades ago to create the current system. But it's 2022 and time for the state of Ohio to catch up to today's families and modern research. Over 40 years of research has shown that most children do best when they have two parents equally involved in their lives. The "every-other-weekend" parenting model has no scientific basis and has not shown to improve children's outcomes—in fact, it's shown to negatively impact their outcomes.

Our legislation will allow *and encourage* separating families to tailor parenting plans that fit their individual needs; in other words, *true* shared parenting agreements. For separating parents that do not agree, we require a presumption of equal parenting, but we do not require an outcome of equal parenting. Judges and magistrates still retain the ability to make decisions, on a case by case basis, that are in the best interest of the child; their discretion simply originates from a position of equality. These equal presumptions are rebuttable and would create for every child an equitable way to retain a meaningful relationship with each parent. In cases where the equal presumptions would be detrimental to the child, our legislation allows the presumptions to be rebutted to protect the child's safety and wellbeing.

Our legislation would not eliminate sole custody arrangements or unequal parenting time schedules, but it would eliminate them as the starting point. Because of current local court rules that begin with

severely unbalanced parenting time schedules, fit parents who are on the short end of the stick at the outset face a long and exhaustive battle towards gaining and maintaining an equal role in their child's life. The fear of losing one's child often leads to a settlement that, while better than the local rule minimums, is still nowhere near equality.

Additionally, because there is no statutory guidance for courts to determine what is actually best for children, two families with nearly identical situations will experience entirely different outcomes simply by which county they live in. How can the default, "best interest of the child" be every-other-weekend in some parts of Loudonville (Ashland County) and 50/50 in other parts of the same small village (Holmes County) simply based on which side of the imaginary line they live? The state of Ohio needs to establish a unified standard that is consistent in every court and represents the true best interest of children: having two fit parents equally involved in their lives.

Finally, Ohioans resoundingly support equal parenting. When polled, 87% of Ohioans *"feel that children have the right to spend equal time or near equal time with both of their parents following a divorce or separation."* And the polling results were consistent across all demographics: gender, race, age, and political affiliation. Ohioans want equal parenting!

Thank you for your consideration and now I will pass it along to my joint-sponsor, Representative Creech.