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PROPONENT TESTIMONY - HB508

TESTIMONY OF DONALD C. HUBIN

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CIVIL JUSTICE COMMITTEE

OHIO HOUSE OF REPRESENTATIVES, 134TH GENERAL ASSEMBLY

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Chairman Hillyer, Vice Chair Grendell, Ranking Member Galonski and members of the House Civil Justice Committee, thank you for the opportunity to provide proponent testimony on HB508.

I'm Don Hubin, Chair of the National Board of National Parents Organization. NPO is the nation's largest and most effective shared parenting organization, with chapters in 26 states. We work to promote children's best interest by strengthening the bonds between children and their fit and loving parents when those parents live apart.

I'm sorry that I can't attend this Committee hearing in person, but I hope that my written testimony will be considered in the Committee's deliberations concerning House Bill 508.

Every parent knows that raising healthy, happy children is not only a rewarding task; it's an extremely demanding one. It's hard enough with two parents actively engaged in their children's lives. It's much harder for a parent to do it alone. Despite many single parents doing a wonderful job of raising their children, children raised without the active involvement of two parents are at risk for a number of serious ills. They are more likely to fail in school,¹ to use illegal drugs,² to get

¹ McLanahan, Sara et al., "The Causal Effects of Father Absence," *Annual review of Sociology* 39(2013)399-427; Lundbert, Shelly, "Father Absence and the Educational Gender Gap," *IZA Discussion Papers, No. 10814*, Institute of Labor Economics (IZA), Bonn;

² Hoffmann, John P. "The Community Context of Family Structure and Adolescent Drug Use." *Journal of Marriage and Family* 64 (May 2002)314-330; Bronte-Tinkew, J., Moore, K. A., Capps, R. C., & Zaff, J., "The influence of father involvement on youth risk behaviors among adolescents: A comparison of native-born and immigrant families," *Social Science Research*, 35(2004)181-209.

commit crimes,³ to become involved with gangs,⁴ to experience sexual assault,⁵ to engage in early sexual activity,⁶ to become pregnant at an early age,⁷ and to commit suicide.⁸

There is now more than 40 years of scientific research showing as clearly as social science research ever does that, in the overwhelming majority of cases, children of separated parents do best when both parents are equally involved in rearing them on a day-to-day basis. This is true even in cases where the parents are in (nonviolent) conflict,⁹ even when the parents don't initially agree to shared parenting, and even for infants and toddlers.¹⁰ And the benefits for children of shared parenting increase when they have equal time with each parent.¹¹

The benefits of shared parenting are sometimes conceded even by opponents of shared parenting legislation. They often oppose, not the concept of shared parenting, but the creation of *presumptions* in its favor, saying that these are unnecessary because courts already encourage shared parenting and award it when appropriate. However, the [2020 NPO Ohio Parenting Time Report](#) (attached) belies this. As of 2020, 58 of Ohio's 88 counties had local parenting time rules that allowed the children, in a two-week period (a total of 336 hours), only two overnights and

³ Demuth, Stephen and Susan L. Brown, "Family Structure, Family Processes, and Adolescent Delinquency: The Significance of Parental Absence Versus Parental Gender," *Journal of Research in Crime and Delinquency* 41-1(February 2004)58-81; Bush, Connee, Ronald L. Mullis, and Ann K. Mullis, "Differences in Empathy Between Offender and Nonoffender Youth," *Journal of Youth and Adolescence* 29 (August 2000)467-478; Coley, R. L., & Medeiros, B. L., "Reciprocal Longitudinal Relations Between Nonresident Father Involvement and Adolescent Delinquency," *Child Development* 78(2007)132-147; Hill, M. A., & O'Neill, J., *Underclass behaviors in the United States: Measurement and analysis of determinants* (1993) New York: City University of New York.

⁴ Davidson, N., "Life without father". *Policy Review*, 51(1990)40-44.

⁵ Heather A. Turner, "The Effect of Lifetime Victimization on the Mental Health of Children and Adolescents," *Social Science & Medicine* 62-1(January 2006)13-27.

⁶ Ellis, Bruce J., et al, "Does Father Absence Place Daughters at Special Risk for Early Sexual Activity and Teenage Pregnancy?," *Child Development* 74-3(2003)801-821.

⁷ Ibid.

⁸ Weitofft, Gunilla Ringbäck, "Mortality, Severe Morbidity, and Injury in Children Living with Single Parents in Sweden: A Population-based Study," *The Lancet* 361-9354(January 25, 2003) 289-295, [https://doi.org/10.1016/S0140-6736\(03\)12324-0](https://doi.org/10.1016/S0140-6736(03)12324-0)

⁹ Nielsen, Linda, "Re-examining the Research on Parental Conflict, Coparenting, and Custody Arrangements," *Psychology, Public Policy, and Law* 23-2(2017)211-231; Nielsen, Linda, "Joint Versus Sole Physical Custody: Outcomes for Children Independent of Family Income or Parental Conflict," *Journal of Child Custody* (2018) [DOI:10.1080/15379418.2017.1422414](https://doi.org/10.1080/15379418.2017.1422414).

¹⁰ Warshak, Richard et al. "Social Science and Parenting Plans for Young Children: A Consensus Report," *Psychology, Public Policy, and Law* 20-1(2014)46-67; Warshak, Richard, "Night Shifts: Revisiting Blanket Restrictions on Children's Overnights With Separated Parents," *Journal of Divorce & Remarriage* 59-4 (2018)282-323; Fabricius, William V. and Go Woon Suh, "Should Infants and Toddlers Have Frequent Overnight Parenting Time With Fathers? The Policy Debate and New Data," *Psychology, Public Policy, and Law* 23-1(2017)68-84; Bergström, Malin et al., "Preschool Children Living in Joint Physical Custody Arrangements Show Less Psychological Symptoms Than Those Living Mostly or Only With One Parent," *Acta Pædiatrica* 107(2018)294-300.

¹¹ Fabricius, William V. "Equal Parenting time: The Case for a Legal Presumption," *The Oxford Handbook of Children and the Law* (2020) Oxford University Press; Amandine Baude, Jessica Pearson, and Sylvie Drapeau, "Child Adjustment in Joint Physical Custody Versus Sole Custody: A Meta-Analytic Review," *Journal of Divorce and Remarriage* 57, no. 5 (July 2016): 338-360.

fewer than 60 hours with one of their parents. These schedules clearly marginalize that parent in their children's lives.

The extreme variability in Ohio's local parenting time rules also belies any pretense that these rules are based on evidence about child well-being. It's simply not credible that in Tuscarawas, it's in children's best interest for both of their parents to be equally involved in rearing them while just across the county line, in Coshocton County, it's in their best interest to see one of their parents only every other weekend and one evening a week. Rather than being carefully crafted rules for the promotion of children's interests, most counties' parenting time rules are outdated rules based on now obsolete patterns of parenting and misguided gender stereotypes.

Polling by independent polling companies confirms that equal shared parenting and, importantly, a rebuttable *presumption* of equal shared parenting are strongly supported by the public, both nationally and in Ohio. This strong support for presumptions of equal shared parenting cuts across every demographic divide—race, ethnicity, religion, income, educational level, political affiliation, and gender—which is a rare thing in our politically polarized times. And follow-up polling that was done in Kentucky after the enactment of its equal shared parenting law show overwhelming support for the law in the Bluegrass state. Research in Arizona shows that the majority of conciliation court staff, judges and mental health professionals support Arizona's strong shared parenting law that was enacted in 2013 and the law is even supported by the plurality of family law attorneys.¹²

NPO recognizes that equal shared parenting isn't always appropriate. Sometimes it's not what the parents choose, which is why HB508 requires courts to defer to parental agreements absent evidence that their plan would be detrimental to the children. Sometimes equal decision-making responsibilities and/or equal parenting time would be harmful to the children, in which case courts are appropriately empowered to deviate from those presumptions providing they have clear evidence of this.

The equal parenting presumptions established by HB508 are not by any means a "one size fits all" solution. Unlike the local county parenting time rules that specify times of exchanges to the minute, the requirement to begin with the presumption of equal parenting time allows for a very wide variety of parenting schedules to meet the families individual needs and to adjust in ways that are appropriate for the children's ages.

Because too many Ohio children are being needlessly deprived of a full relationship with one of their fit and loving parents by arbitrary local parenting time rules, the Ohio legislature must act to ensure that courts begin with presumption that it is in children's best interest for both parents to remain equally involved in the lives of the children they both created.

¹² Fabricius, William V., Michael Aaron, Faren R. Akins, John J. Assini & Tracy McElroy (2018): What Happens When There Is Presumptive 50/50 Parenting Time? An Evaluation of Arizona's New Child Custody Statute, *Journal of Divorce & Remarriage*, [DOI: 10.1080/10502556.2018.1454196](https://doi.org/10.1080/10502556.2018.1454196).

Mr. Chairman and members of the committee, thank you again for allowing me to provide testimony on HB 508.

Attachments:

2020 NPO Ohio Parenting Time Report

2020 NPO Ohio Parenting Time Report - Executive Summary