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House Civil Justice Committee
Interested Party Testimony of Amy Roehrenbeck, Esq.
Ohio CSEA Directors' Association
HB508
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Chair Hillyer, Vice Chair Grendell, Ranking Member Galonski, and members of the Committee, thank you for the opportunity to provide Interested Party testimony on HB508 on behalf of the Ohio CSEA Directors' Association (OCDA). We are a membership organization of county child support enforcement agencies (CSEAs), dedicated to strengthening Ohio's child support program. My name is Amy Roehrenbeck, and I am the Executive Director of the OCDA.

Ohio's Child Support Program serves one in three children in our state, which means we have over one million children in our program. We work with divorcing parents, never married parents, caretaker relatives, and child welfare agencies, as well as courts, the private bar, community partners, and other stakeholders. We establish paternity for unmarried parties, as well as establish child support and medical support orders, administer orders set by the courts, and enforce orders when parties do not comply.

We have reviewed HB508, and while it does not contain many direct child support references, the bill will have broad impacts to the child support program and the families we serve. We want to thank the sponsors for addressing our concerns with regard to designating parents to pay and receive child support and appreciate the change in language to ensure that support is paid in cases where it is needed.

We continue to have concerns with regard to a subset of parents that will be affected by HB508 that have, up to this point, not garnered much attention—the unmarried population.



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You have heard many times now the statistic that 87% of Ohioans feel that children have the right to spend equal or near equal time with both parents. I think it is important to highlight that the question that was asked to get that response was whether children have the right to spend equal or near equal time with both parents *in instances of divorce or separation* (emphasis added). We think this distinction is important when considering the application of HB508 to unmarried parents and we think changes are needed to address the unique circumstances that arise in these situations.

To begin, we recognize and support the goal of having both parents engaged and involved with their children. We know that outcomes are better for children when both parents are present and active in their lives. As a program that works with families every day, we also know the reality that nearly 44% of children in Ohio are born to unwed parents and that these parents are not always engaged and involved with their children.

Under Ohio law, paternity can be established up until a child's 23rd birthday. CSEAs pursue paternity actions every day that involve children over a large range of ages, and often involve mothers and putative fathers that have not been in a long, sustained relationship. We also see mothers and fathers that have no relationship and may have been out of contact for many years before paternity establishment. In these cases, we may see trepidation from mothers in seeking to establish a father-child relationship when the child is older and has no established relationship with his/her father.

Under HB508, a putative father (one with paternity not yet established) can proceed with an action to get default shared parenting prior to paternity being determined, and regardless of whether there is already a relationship between the father and child. We believe this must be remedied to require that paternity be established prior to a proceeding for custody or shared parenting. Paternity is a threshold issue to be addressed ahead of custody and support.

Until this is addressed in the bill, it is unclear as to whether a putative father with no prior relationship with the child can ask for or even must be granted default shared parenting absent a rebuttal of the presumption. Proponents have said that in situations where the father and child have no prior relationship that the default provisions do not apply, but the bill language itself is not clear. Lack of prior relationship between the putative father and child is not a reason to rebut the presumption for 50/50 time under either section 3109.0411 (factors to rebut when there is an agreement) or section 3109.0422 of the bill (factors to rebut where there is no agreement). A clear pattern of a parent-child relationship is mentioned in 3109.0436 (C), but it is unclear as to if and when this would be considered, in light of the two previous sections noted. Given that many unmarried parents are unrepresented and have to proceed pro se, it is very likely that they will not

know how to navigate these multiple sections and know what factors apply and when. This could result in 50/50 time for parties that do not want or are ill-equipped to exercise shared time (due to living situation, geography, finances, or other reasons), simply because they made a request for parenting time. We believe it would be beneficial to take an in depth look at these sections to avoid confusion.

CSEAs administer cases daily for unmarried, unrepresented parties. It is critical that their needs and frankly, their barriers, be considered when making broad changes to practice and processes. It is also critical that paternity be legally established before moving to the questions of custody and decision making.

Finally, we have questions concerning the modification of child support orders. CSEAs regularly process administrative modifications of child support, medical support, and health insurance when parties qualify for a review of their order. It is not clear if HB508 requires child support modifications to always go before a court for a complete evaluation of the entire parenting plan, or if the child support is modifiable without addressing the additional provisions of the plan. Child support modifications are covered in chapter 3119 of the Revised Code and not included in the bill, but the sections beginning with 3109.0438 are not clear as to their impact on support orders. We ask that it be made clear that a review of the parenting time order is not required for a CSEA to proceed with an administrative review of a child support order, as these are two separate and distinct issues. CSEAs can follow clearly defined deviations of support based on parenting time and other factors as set forth in 3119.63 (B) of the Revised Code.

Thank you for the opportunity to provide testimony. I am happy to answer any questions.