

OPPONENT TESTIMONY - HB508 SUB-BILL

TESTIMONY OF MICHAEL J. MCNEESE

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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 opponent testimony on HB508.

Yes, it is true that I did provide proponent testimony for HB508. The original bill had solid and necessary language that would ensure that lies told in family court would not keep a child from their fit and loving parents. This sub-bill is weak and meaningless. It will not help the vast majority of children of separating parents. One lie told in family court will negate all of the benefits that HB508 could offer Ohio's children and families.

Having been intimately involved in the behind-the-scenes of HB508, I am distraught with disgust at how our "representative government" works. It is very apparent that it is not Ohioans that you are representing. The strong-arming we've seen from Representative Seitz and Chairman Hillyer is nothing short of bullying. Interestingly, both Seitz and Hillyer are decorated members of the American Bar Association, famously opposed to shared parenting with a clear and convincing standard, because it would significantly reduce litigation, which, in turn, would significantly reduce the fatness of their wallets. Instead of ruining our strong shared parenting legislation, in the form of the original HB508, Seitz and Hillyer, and the rest of you, should have done the bidding of The People of Ohio. Allow the original bill to exist in the wild. Then, should you find ANY evidence that the clear and convincing standard doesn't protect children and families, then write your own bill – I will help you. If you favor a sub-bill with a weak preponderance standard, you are voting with the Bar, based only on conjecture. What a sham.

Asking judges and attorneys if they like HB508 with clear and convincing is like asking a child if they want to eat their vegetables. I honestly don't mean to personally upset anyone, but judges and family law attorneys are the reason for the toxic and destructive family court system we currently have! Why are we even interested in the opinions of the people who are responsible for the mess that's been created?

Taking children away from a fit parent based on preponderance of evidence is nothing short of child trafficking. Not only are you allowing lies in family court, you are *encouraging it*. False allegations are prevalent in family court. There is everything to gain by lying, and nothing to lose.

There is, beyond a shadow of a doubt, a proven method of winning in family court: it's the weaponizing of false allegations called the "Silver Bullet Strategy." As I explain this, thousands of parents will be nodding their heads, affirming this model, because they have survived it, or they are currently living through it:

At the inception of a divorce, one parent falsely accuses the other of abusing them or their children and claims they believe it will happen again. No evidence or corroborating witnesses are needed, due process be damned. The police arrive and haul the targeted parent out of the matrimonial home with a protective order, offering no immediate legal recourse. What he or she says in their own defense is of no significance. From this point, they are unlikely to see their children again for days, weeks, months, and sometimes years. The targeted parent starts hemorrhaging their life savings in a desperate and futile attempt for justice, all the while, homeless. The mudslinging increases as desperate former spouses prepare to battle for high stakes in front of a court system that exclusively oversees itself. Custody, guardianship, assets, child support, parenting time and responsibilities are all up for grabs. Presumed innocence, the Constitution, transparency, Due Process, personal liberty, privacy and truth all have absolutely no place in family court. Out of caution, a trier of fact weighs the lies, ignores the truth, and if the targeted parent is lucky, they'll see their children a paltry four days per month. And, because there are no facts recorded, there's nothing to appeal. What's left is the disgusting fact that we now have two parents who are waiting and hoping for each other to screw up. And children who lose half of the greatest love they'll ever know.

The family court system is deplorable. Gross. Evil. Corrupt. What else do we expect when we have an industry that is built on lies and greed?

All we're asking for is evidence. Something. Anything that eliminates the ability for one parent to lie about the other in front of a judge. It's absurd to say that proponents of HB508 show no concern for children's safety - nothing could be farther from the truth! No one ever wants to see harm brought to a child. The courts are harming children by taking their parents away, based on lies. We come with facts. Child-focused science and data collected from all over the world for the last forty years, which proves that it is detrimental to children to have a parent removed from their lives.

But, all the facts in the world won't hold a candle to a single lie in family court. Kill HB508. We will regroup more prepared to play the political games that you all seem to love so much. We will defeat the lawyers, the judges, and the family law system. We must protect our children from child trafficking by Ohio's family courts. Again, please do not pass this sub-bill.

Mr. Chairman and members of the committee, thank you again for allowing me to provide testimony on HB 508's sub-bill. Please contact me with any questions.