

OPPONENT TESTIMONY – HB508

TESTIMONY OF Ashley Zibaie

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CIVIL JUSTICE COMMITTEE

OHIO HOUSE OF REPRESENTATIVES, 134TH GENERAL ASSEMBLY

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

My name is Ashley Zibaie. I reside in Northwest Columbus, and I am a mother of three daughters. Like many here, I am a domestic violence survivor. I am also an incest survivor. I am also a foster care system survivor. I am bringing my story to you today to ask you to vote NO on HB508.

I heard proponent testimony in which many people described growing up without a father. I grew up without my father. I grew up without my mother. I grew up without my siblings. I grew up without my extended family. I grew up without my culture. I grew up without an identity. Was it impactful on me growing up without my family? Absolutely. But what was more impactful and was ultimately the reason I wound up growing up without my family, was being exposed to an abusive parent. I am the oldest of my parents' four daughters and as early as toddlerhood I entered the system. I was put into kinship care or foster placement over concerns of abuse or neglect or for domestic violence in the home or because both of my parents were in jail. There was clearly cause for concern but even over my maternal grandparents' pleas to be allowed to protect us, Franklin County's family court kept placing my sisters and I back with our parents. My father raped me when I was 8 years old. I was "fortunate" enough that there was enough evidence for him to be charged and convicted. A lot of incest survivors aren't so "lucky", and they are often forced to remain in the custody of their abuser. I spent ages 8 to 18 bouncing between foster placements and residential facilities.

I find myself in family court again, this time trying to obtain a divorce, but with concerns for the abuse I suspect my children are experiencing. What I have learned is that courts routinely minimize claims of fathers' abuse¹. That is happening to me. My claims that I am a survivor of domestic violence have been categorically ignored. The proponents of HB508 will have you believe that many claims of domestic

violence made during child custody litigation are adjudicated to be false. To me, this is indicative of a serious disparity between the accepted definition of domestic violence and the statutory definition of domestic violence. Especially in Ohio. Our domestic violence statutes are archaic and not at all reflective of current science. In fact, Ohio is the last state in the Nation to have a domestic violence statute that does not include strangulation. A victim who experiences non-fatal strangulation has an over 700% increased risk of being killed by her abuser², yet Ohio law doesn't include it as a domestic violence offense. An Ohio Supreme Court Guide on Domestic Violence and the Allocation of Parental Rights and Responsibilities³ highlights the role of coercive control when assessing lethality risk, yet Ohio law does not include coercive control as an act of domestic violence. In short, Ohio courts do not have the proper framework to appropriately adjudicate matters involving domestic violence. Ohio courts do not have the proper framework to evaluate claims of domestic violence as a rebuttal to the presumption of equal shared parenting in HB508. That creates a dangerous situation for survivors, and importantly, their children. Numerous studies have shown the correlation between domestic violence and child abuse or maltreatment. Some of them are cited in the Ohio Supreme Court document I referenced above.

Domestic violence and child abuse are serious public health issues and matters of public interest. I implore you to listen to the stakeholders involved in domestic violence spaces regarding HB508 when deciding your vote. Whatever benefit the proponents of this bill feel will come from its passage should not be at the expense of the fundamental human rights of survivors and their children. Passing HB508 will open a legal avenue for abusers to utilize to continue the scourge of their abuse on their family. Vote NO on HB508.

1.

<https://xyonline.net/sites/xyonline.net/files/2020-05/Meier%2C%20U.S.%20child%20custody%20outcomes%20in%20cases%20involving%20parental%20alienation%20and%20abuse%20allegations%202020.pdf>

2.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2573025/#:~:text=Prior%20non%2Dfatal%20strangulation%20was,of%20becoming%20a%20completed%20homicide>

3.

<https://www.supremecourt.ohio.gov/JCS/domesticViolence/publications/DVAllocationParentalRights.pdf>