

**STATEMENT OF THE OHIO STATE BAR ASSOCIATION
IN OPPOSITION TO HOUSE BILL 508**

Before the House Civil Justice Committee
Representative Brett Hillyer, Chair

Chairman Hillyer, Vice-Chair Grendell, Ranking Member Galonski, and members of the Ohio House Civil Justice Committee: On behalf of the Ohio State Bar Association (“OSBA”), thank you for the opportunity to submit testimony in opposition to House Bill 508.

I am Deborah L. McPartlin, practicing attorney, partner, and Chair of the OSBA Family Law Committee. I have maintained in good standing my license to practice law in the State of Ohio since 2007 and have practiced exclusively in the field of family law since that time. I am licensed in the Commonwealth of Kentucky as well, and am also a trained and certified mediator and collaborator. I am the actively participate in numerous family law-related committees and communities and national, state and local bar associations.

The OSBA opposes House Bill 508, and the changes made in the substitute bill do not alleviate our concerns. Put simply, we believe this bill would wrongly move the focus in Ohio away from the best interest of the child in favor of the best interests of the parents.

We agree that where appropriate, a child benefits from having both parents in their life. But this legislation unnecessarily ties the hands of the court in an effort to create a default outcome in child custody cases that does not allow for the judiciary to properly consider the particular set of circumstances that make each case unique. In doing so, House Bill 508 will result in increased litigation costs and our members will now be focused on trying to demonstrate why the other parent does not deserve shared custody—regardless of whether the parties are married, whether a parent wants shared parenting and equal time, and whether paternity has even been established. If this bill is enacted, our members will owe their clients a duty to present any and all testimony rebutting the presumption that a shared parenting agreement is in the best interest of the child.

This proposed legislation will not serve the purposes its proponents suggest. It removes the choice of schedule and the weighing of factors, from families. Instead, both parties will engage in a battle to show the reasons why an exactly equal time schedule would be “detrimental” to their children. The courts do not have the time to hear every parent’s routines, their children’s activity and school schedules, the parents’ work and travel schedules, the schedules of step-siblings in blended families, etc. Even two good and concerned parents, who only reasonably differ in opinions about their children, will be forced to present extensive and time-consuming testimony to the Court in order to pursue what they believe best for their children. Resources are scarce in our courts; they would be overrun in a matter of months.

Creating a presumption of equal time, in conjunction with the sweeping changes made to the child support laws in this state in 2019, will unnecessarily complicate the child support calculation, will increase litigation of parenting time and child support, and will disproportionately impact the lower wage earning parent, which in turn damages children. Current child support laws permit, and in some instances require, adjustments to child support depending on the number of court-ordered overnights each parent exercises. In my practical experience, this has already ended up benefitting the higher earning parent by decreasing their child support obligation often by well more than fifty

percent, even when there is an overwhelming disparity in the parents' incomes. HB508 will basically ensure that child support is significantly reduced, if not almost eliminated, in this state. If the State of Ohio takes seriously its role as protector of its children, this is not a good look.

What is more, the sponsors have spoken about how each county has different standard parenting time schedules. This is true because each Court has the authority to set its own rules. This bill would be taking that authority away. And remember, these rules are typically just "starting points" for courts when crafting plans specific to a family's needs. Different courts have different reasons for their own sets of rules and those rules are designed to fit the particularized needs of their communities. HB508 would trade a court's ability to address the needs of its local families for an arbitrary, sweeping, and broad cookie-cutter standard unsupported by reliable science or decades of legal experience in these matters.

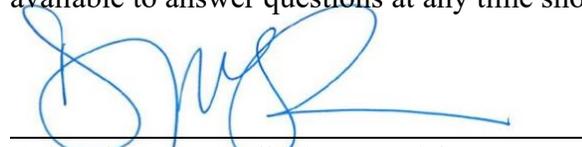
This bill also strips rights away from parents. A parent who does not want exactly equal parenting time will now have to prove why it would be detrimental if they did. They would be required to testify in open court and on the record why they want, need to, or must spend less time with their children. Imagine the harm that could cause a child. What about a parent who works out of town? Or third shift? What about a child who has a specific desire to be at one home during the week? This bill *takes away* parent's rights to choose their own schedule and yet claims to do so in the name of "parent's rights."

Further, this legislation creates an unattainable standard. I never had equal time with my parents when I was young. This is the same for almost all children. HB508 relies on an unrealistic fiction that equal time results in the best time. This bill attempts to cure the supposed "social ills" of our state by sacrificing what is best for the children of divorced or separated parents and it is wrong to do so. People are complicated. Families are complicated. HB508 ignores this and callously brushes it away with broad strokes of the brush.

House Bill 508 takes away judicial discretion, will paralyze a court's ability to function, and will force litigants to make child custody cases more contentious and expensive. The OSBA has long advocated for judicial discretion where possible and appropriate. In this case, to take away judicial discretion in favor of big government trying to dictate an outcome, is grossly inappropriate and doing so in such a way that does not overwhelm our resources is not possible.

For these reasons, and many others, equal parenting time and decision-making should NOT be legislatively mandated. I strongly encourage this Committee to not favorably report this bill.

Thank you for permitting me to offer this written testimony in opposition to H.B. 508. I remain available to answer questions at any time should this Committee have any for me.



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