

**Ohio House Civil Justice Committee**  
**Steven R Killpack MS, Executive Director**  
**Community Endeavors Foundation**  
**Opponent Testimony on House Bill 508**  
**May 24, 2022**

Good afternoon Chair Hillyer, Vice Chair Grendell, Ranking Member Golanski, and members of the House Civil Justice Committee. Thank you for this opportunity to submit opponent testimony on House Bill 508. I am submitting written testimony due to family conflicts today. Please feel free to reach out to me with questions. My contact information is at the bottom of the document.

My name is Steve Killpack. I am a career social worker, family services practitioner and Executive Director of the Community Endeavors Foundation. The Foundation has been developing, funding and supporting community and correctional based programs that engage, support and affirm fathers in Ohio since 1995. All of our work is focused on engaging two healthy involved cooperative parents in the lives of their children. The programs we have supported over the last 27 years have primarily been for low-income unmarried fathers as they face the most significant barriers to involvement in their children's lives. We prioritize child well-being above all and believe in the current definition of the "best interests of the child", not the diluted standard in HB 508 which defines the best interests of the child using the detriment standard. We encourage the committee to address this issue and maintain the current statutory language for the best interest of the child.

On behalf of the Community Endeavors Foundation, I want to focus my opponent testimony today on my concerns that HB 508 is completely disconnected from the situations faced by fragile families. Fragile families are defined in the literature as low-income unmarried parents and their children. Low-income unmarried parents simply do not have the financial resources to parent children in two households. In addition, they typically do not have a history of co-parenting their children together, so they lack the parenting knowledge and experience to develop a parenting plan. Thus, the three presumptions in HB 508, which seem to have been designed for divorcing and separating parents with financial and parenting resources, are not relevant for fragile families.

In addition to these challenges both parents face in fragile families, unmarried noncustodial fathers struggle with legal barriers to gain access to their children which are not addressed in HB 508. And these same fathers lack access to the state and

federal benefits provided to custodial parents, severely limiting their ability to provide housing and economic stability for their children.

43% of births in 2021 in Ohio were to unmarried parents. Sole custody of every child born in Ohio to unmarried parents is granted to the mother of that child, as established in ORC 3109.042. This is the initial and most profound barrier that an unmarried father faces after his child is born. This barrier remains in place after paternity is established. Ohio is one of only 14 states that does not trigger a process leading to parental rights, responsibilities and parenting time when paternity is established. HB 508 does not address this legal barrier to fathering for unmarried fathers, but it could easily be adapted to do so if the committee slows down the process to allow for some time to address this legal barrier. There are a number of statutory models in other states that could be adopted.

In Ohio, an unmarried father gains legal access to a parenting relationship with his child through a filing process with Juvenile Court. Affordable legal representation is not available to unmarried fathers in Ohio, so they have to file pro se to gain legal access to their children. Legal representation through Community Legal Aid programs in Ohio is only provided to custodial parents, leaving a new unmarried father attempting to gain legal access to his child with no affordable legal resources. HB 508 does not address this inequity in legal resources for two unmarried parents.

In addition to these legal barriers, all federal and state benefits available to low income families, (housing, home visiting, child care and the Earned Income Tax Credit to name a few), are only extended to one custodial parent. If a low-income mother is receiving these benefits, they are not extended to the father of those same children, even when they are in the same income category. Our state and federal social welfare policies are structured to funnel all financial resources for a child into one custodial parent's household. These policies create an inequitable "have/have not" dynamic between custodial and noncustodial parents. This situation is simply not compatible with the 50/50 parenting and the presumptions in HB 508.

We firmly believe that this inequity, which has a direct impact on children in fragile families, can be addressed through legislative reform focused on supporting and encouraging cooperative co-parenting relationships between low-income unmarried mothers and fathers. Again, we encourage the sponsors of HB 508 and this committee to pause this process and develop legislation that addresses all family situations in the state.

We have shared these same concerns with the Representatives Creech and West as well as the leadership of the National Parenting Organization.

Thank you very much for your consideration of this testimony and for your service in the Ohio General Assembly.

Phone: 216.245.7842; Email: neofathering@gmail.com

## **Appendix**

As an appendix to my testimony, I offer a more "child-centered" philosophy to forming stable family support for children in Ohio's fragile families as an alternative to the "parents' rights" approach advanced by HB 508.

Throughout the 20<sup>th</sup> and early 21<sup>st</sup> Centuries, most local, state and federal benefits have targeted custodial households in an attempt to provide a safety net for the family. American social welfare policy has traditionally focused on supporting "single" custodial parents and children, while not providing support for noncustodial parents who are contributing financially and emotionally to the support of their children, yet still struggling to do so. This social policy was based upon a definition of family as a "custodial parent(s) and their children" assuming that the custodial parent would engage the noncustodial parent if it was appropriate.

An unintended consequence of this policy has been the creation of a "have" vs "have-not" situation between the two low-income parents in a child's life that are living separately. This situation often leads to conflict between parents over resources, undermining cooperative parenting.

To address this issue, it is proposed that family be defined through the eyes and heart of a child. A child simply sees their parents, not classifying them as custodial or noncustodial. If we are truly committed to building a safety net around that child, it is imperative that we design a social policy that engages and supports both the custodial and noncustodial parents and their respective families. Both parents provide for their children financially and emotionally and it is critical that we celebrate and support both parents if we are intent on improving the well-being of their children.

When the client becomes the child, rather than the custodial parent, benefits follow the child whether they are with their mother, father (or both), or a kinship caregiver. This would allow the extension of TANF job and education benefits and earned income tax credit, housing, childcare, and home visiting support for noncustodial fathers or kinship

caregivers who are financially and emotionally involved with their children, similar to those offered to single custodial mothers.

In addition, legal aid services and access to school buildings and records would then be available to both parents. If the client is the child, legal systems can focus on supporting both parents to cooperate on behalf of the shared child rather than struggle with each other over access to the child and financial resources. In addition, schools can engage and provide records to both parents in a child's life, engaging both parents and their families in the child's education.