

**STATEMENT OF THE OHIO STATE BAR ASSOCIATION
IN SUPPORT OF HOUSE BILL 338**

Before the House Civil Justice Committee
Representative Brett Hillyer, Chair

Chairman Hillyer, Vice Chair Mathews, Ranking Member Isaacsohn, and members of the House Civil Justice Committee: On behalf of the Ohio State Bar Association (“OSBA”), thank you for the opportunity to provide proponent testimony in support of House Bill 338.

My name is Todd Kotler. I have been an attorney for nearly twenty-five years. My practice in that time has focused largely in family law and work as a guardian ad litem. Additionally, since 2007, I have represented children with special needs and their families in educational due process actions. I join my colleagues in supporting this bill as being necessary to clarify the jurisdictional question created by the appeals courts split.

As you’ve heard, House Bill 338 clarifies the law in cases where child support is considered for a disabled child over the age of majority at the time of their parents’ divorce. Continuing law allows child support orders to be *extended* over the age of majority for disabled children but is unclear for initial orders of support for a disabled child already over the age of majority. Under current law and reiterated by the bill, a disability must have begun before the person reached the age of majority and must render the person incapable of supporting or maintaining themselves.

I understand that there have been some questions on how child support is calculated in these limited circumstances. Let me emphasize that this bill does nothing to change the factors a court will consider in determining if child support is appropriate. Each determination will continue to be fact specific, as they are when determining if ongoing support is appropriate. The only element we are proposing to change through this bill is the consideration of the age of the disabled child at the time of the initial request for child support. All other factors remain consistent with current law.

It's also worth noting that a majority of courts will already consider initial orders of support for disabled children over the age of majority based on the *Castle* doctrine. However, as noted, there are still variances across the state due to lack of clarity on this specific issue. At its core, HB 338 addresses a jurisdictional question and seeks to provide consistency in the law.

House Bill 338 will provide clearer guidance in these limited circumstances and ensure that child support for disabled children is handled equitably, regardless of the time of their parents’ divorce.

Thank you for the opportunity to present testimony today. I am happy to answer any questions you may have.