

Madam Chair Schmidt, Vice Chair Miller, Ranking Member Denson and members of the House Families and Aging Committee,

Thank you for the opportunity to provide sponsor testimony on House Bill 14. This legislation will create much needed reform for custody disputes in the state of Ohio.

House Bill 14 is a reintroduction of House Bill 508 from last General Assembly. Last GA we had 59 cosponsors from both sides of the aisle, which showed that this isn't a partisan issue and there is a lot of support for it. And I want to emphasize, this isn't about fathers versus mothers. This is common sense legislation to help our children.

Over the last GA we met with dozens of attorneys, judges, magistrates, state agencies and advocacy groups to discuss the bill. We incorporated a lot of their feedback into the language of the bill to address their concerns and make it better. Now we must remain focused on representing Ohio families and ensuring *their* welfare above all else. There are many people profiting off the current system, but it *isn't* families. And we need to remember that.

Ohioans want this. When polled, 87% of Ohioans said that children have the right to spend equal time or nearly equal time with both of their parents following a divorce or separation. And 61% said they feel our family courts do not treat parents fairly in custody disputes.

Ohioans don't trust the courts, and it's our duty in the Legislature to hold the courts accountable. It's our job to create laws that protect families and ensure the best interest of children is truly served.

House Bill 14 will provide accountability that will bring back public trust and repair the broken system that is destroying our families. I think most of us can agree that children do best with both parents' involvement, but you may not be aware that our current laws statutorily *prevent* that from happening.

Ohio's laws haven't changed in decades and our bill takes into account the large and growing body of research that shows the benefits of equal parenting.

What our bill does is create an official state policy that ensures children have a continued and meaningful relationship with both parents and, to the greatest extent possible, that parents share equally in time and responsibility.

HB14 also encourages parents to work together to create a plan that meets the individual needs of their family. But if separating parents cannot agree, equal parenting will be the starting point.

That's very different from how it is now.. the current default is to appoint only *one* parent as the residential and custodial parent... and there is absolutely nothing in our laws to tell courts what arrangement is typically best for children or how to handle parenting time. So you can imagine the conflict this creates between parents and the endless – and costly – litigation they must suffer through as they try to navigate the unfair system.

With the current “best interest” standard, judges and magistrates are able to issue orders based on their own personal values about what is “best” for the child and courts have total discretion to implement their own ideas and judgment *over* the judgment and objections of fit and loving parents.

Because of this, we have 88 counties doing 88 different things. A handful of counties do implement a 50/50 parenting time rule, but most restrict one parent to 6- 8 days a month with their child. There is no standard across the state. The outcome for your custody case invariably depends on which county you live in and which judge hears your case.

Did you know an Ohio court can strip you of your right to raise your child on a mere preponderance of the evidence — which is the lowest burden of proof in our legal system... It’s the same low burden of proof that applies to a slip and fall case in a grocery store. Your local community requires a higher burden of proof to remove a barking dog than your local domestic relations court requires to terminate a fit parent’s constitutional right to raise their child.

Please think about that.

Parents should not be losing custody of their children without just cause and without appropriate due process.

House Bill 14 will correct that. We have raised the standard of evidence from the current preponderance standard to a higher standard of clear and convincing evidence. It’s not the highest standard of “beyond a reasonable doubt,” but it is higher than what courts are currently using.

The higher standard will only codify into Ohio law what the US Supreme Court held long ago about the high importance of parental rights and the safeguards a state must have in place to protect those fundamental rights. It will also reduce frivolous litigation and allow courts to really focus on the facts in the case.

The clear and convincing standard isn’t unusual or unreasonable. The General Assembly has often directed Ohio courts to use a clear and convincing evidence standard across a broad range of issues, *including* custody issues. It already exists in our custody laws and we believe it should apply when a parent-child relationship is in jeopardy.

There’s still a lot to say, but I’m happy to answer any questions or concerns you may have. Thank you for your consideration.

Addendum

There are numerous reasons to do away with our outdated system for allocating parental rights in Ohio. Here are just a few:

- There is a very large and growing body of scientific literature that indicates that children of divorced parents fare best when the parents equally share the roles and responsibilities of parenthood, in the vast majority of cases. The sharing of parental roles and responsibilities promotes an increased sense of security and safety for children; better achievement and attendance in school; decrease in poverty; lower levels of risky behaviors such as delinquency, heavy drinking, drug use and early sexual activity; and increases parental harmony.
- Fewer parents are getting married and staying married than ever before in Ohio¹. Cleveland, Toledo, and Dayton are top in the nation for percentage of single parent households², with mothers typically bearing the sole responsibility of raising the children as custodial parents.³
- Despite the data showing that fathers are capable of bonding with their children and raising them, fathers are rarely custodial parents. By sidelining fathers in such large numbers, we have hundreds of thousands of Ohio children who are living dad-deprived lives. Research has shown that children without an involved father are at risk to themselves and society.
- Equal parenting legislation is being introduced and passed nationwide. Kentucky (2018) and Arkansas (2021) were the first with explicit equal presumptions, and both had bipartisan support and passed quickly and with little to no opposition. West Virginia passed theirs last summer (2022), and dozens of other states are working on their own bills right now. Ohio needs to be a leader and not wait for everyone else before doing the right thing for our families.

¹ <https://www.pewresearch.org/social-trends/2018/04/25/the-changing-profile-of-unmarried-parents/>

² <https://smartestdollar.com/research/cities-with-the-most-single-parents-2020>

³ https://www.acf.hhs.gov/sites/default/files/documents/ocse/characteristics_cps_and_their_children.pdf