

PROPONENT TESTIMONY - HB14

TESTIMONY OF Kindra Beck

FAMILIES AND AGING COMMITTEE

OHIO HOUSE OF REPRESENTATIVES, 134TH GENERAL ASSEMBLY

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Chairman Schmidt, Vice Chair Miller, Ranking Member Humphrey and members of the House Family and Aging Committee, thank you for the opportunity to provide proponent testimony on HB14.

My name is Kindra Beck, mother of two boys, one of which I haven't had any contact with since February 2020 and the other since June 2021. That is three years of separation with my 15 year old son and two and a half years with my 11 year old son. Prior to separation in 2018 with their father, I was a very active Mom, being a Cub Scout Leader, volunteering with school events and attending Halloween, Valentine, Christmas parties and more. I also made sure even though the boys had summer birthdays that I worked with their teachers every year to celebrate with their classmates sometime throughout the school year. I organized sporting calendars including football, basketball, soccer, and signed them up for extracurriculars that they were interested in including week long horse camps, STEM camp and Science fairs. All while holding down a professional sales and marketing career.

We had many family vacations including, visits to the family lake in Michigan, Florida trips and a Disney cruise while we were married. One of the boys highlights of the summer was spending time at the family's lake cottage in Michigan. After the separation, I even took the boys for spring break by myself to St. Louis to start establishing some new memories and traditions. My family surprised them later that same year with a trip to Universal Studios.

During our 10+ years of marriage, we had a relatively normal upbringing with the boys and our extended families were very involved in the boys' lives. Birthdays involved both sides of the family and grandparents came to every school event and extracurricular activity.

The day I filed for divorce, my legal counsel advised me to file with a new resident address, which meant moving out that day, and I was advised to take my children with me so it was not considered abandonment. In hindsight, that was terrible advice, but you trust your legal counsel when you go through a divorce and are not educated on the process or rules. I received temporary custody for a few months (June-July 2018), but then a GAL was assigned to the case, and he ordered the children move

back to the primary residence to stay within the school district, which meant awarding Dad temporary custody. I was also told by the GAL I lived too far away to see my kids during the week so if I wanted 50/50 visitation, then I needed to relocate within 24 hours. So I did. I was blessed to have a friend who flipped houses and had one available that was almost complete in Centerville so I was able to move in quickly to a 4 bedroom, 2 bathroom, sunroom, and very affordable for my single income. In addition, the GAL made the determination that the best fit for our family was 50/50 visitation with the schedule of Monday and Tuesday with Dad and Wednesday Thursday with Mom and alternating Fridays based on weekend visitation. This was confusing for our youngest and there were several times he cried and the teacher called because he wasn't sure which bus to get on or if he should be a walker for me to pick him up. Without the interference of the court appointed GAL, we could have come to a better 50/50 schedule that worked for our family.

During our separation from 2018-2019, the father of our children tried several times to claim I was abusing the children, mentally unstable, abusing substances, and much more. All of which were lies and disregarded by the GAL.

About a year later, in August 2019, my ex finally was successful in accusing me of abuse because our oldest son returned from a vacation upset that I had taken his phone and complained to his Dad that he didn't want to see me anymore. The judge conducted an in-person interview with the children and stated that it "was just a typical child upset with a parent for a punishment he didn't agree with and we were to be reunited immediately." But that never happened.

Keep in mind that our divorce was still not finalized.

However, my ex proceeded to file a protection order, which was granted and extended for the next 6 months due to court delays. Please understand that a protection order in Ohio states "no contact including communications by any other means directly or through another person". So the GAL and attorney advised my parents (the boy's grandparents), my sisters (their aunts) and brother-in-laws (uncles), great grandparents and extended family to not have any contact with the children. To this day, the boys still do not have any relationship or contact with that side of the family.

In February 2020, 6 long months of attorney's arguing, court extensions, the lack of engagement from the GAL, after a day of testimony from the children services rep (who closed the case after interviewing me) and my ex in court, the father of our children chose to dismiss the case and agreed that I could start to see the boys again. However, during that time, my children and I lost valuable time together for no reason at all. During the time of separation, the children were psychologically influenced by their father and filled with lies.

Per court requirements, we entered into a slow re-introduction that included reunification counseling, supervised visits (with my ex father-in-law as the supervisor), then several two-hour unsupervised visits, progressing to several 8-hr visits then eventually a full overnight weekend. Ultimately building up to 50/50 visitation, our initial 2018 separation agreement.

The first time I reconnected with my sons after 7 months, my oldest was resentful. He thought we abandoned them for a year because he was told we didn't love them. He also was very influenced by the court - appointed supervisor, my ex father-in-law, sitting at the same table and observing the conversation and even engaging when he felt necessary to do so. The GAL never enforced counseling or parenting time to happen with the oldest during the next year even though it was court ordered. As a result, my son and I have never re-established a connection.

During that same visit, my youngest son cried and said he looked to the stars and prayed for us every night. He was confused and didn't understand why he couldn't see me for so long. That day, he was so excited to not only see me, but my parents, aunts and uncles.

Fast forward to February 2021, after rebuilding the relationship with my youngest and having 50/50 visitation for 8 months, and no communication with my oldest, we finalized our divorce and outlined that I will start to go to counseling with my oldest. However, counseling also never happened.

In March 2021, one month after the divorce, my ex falsified child abuse accusations for that same incident in August 2019 that he originally dropped with the domestic relations courts in February 2020. As an investigation was opened, and a new "no-contact" order was established with my oldest son and myself—and ultimately the entire side of my family again. After a year, the allegations were proven false and the case was dropped—again! The judge even made the statement that it was a "civil issue that my ex was trying to use the criminal courts to gain custody".

The current bill allows for a preponderance of evidence, which is an assumption that something could have happened—but it never did and there was no evidence to suggest otherwise— and because of that, I've lost contact with my children. Brainwashing began to take place during the alienation time.

If HB14, would have been in place, my ex would have been held accountable to provide clear and convincing evidence before removing the children from my care, but even more importantly, we would have both had equal rights to raise our children and not just one person who has custody and the other parent has court appointed visitation and pays child support. Keep in mind during these years, my ex who worked 60 hours a week when we were married, claimed 30 hours a week working for his parents business once we separated. He then needed me to pay child support and tried to gain alimony, but was unsuccessful.

Furthermore, if the new bill would be in place during the time of the GAL involvement in our case, his recommendation would be considered, but not relied upon by the court as the sole basis for its determination. So, maybe I wouldn't have had to move within 24 hours to see my children 50/50 and maybe we could have come up with a less confusing visitation schedule.

In addition, if my ex would have had to bear the burden of proof for his false abuse allegations and provide clear and convincing evidence (in a timely manner) that 50/50 parenting time was detrimental, we wouldn't be in this situation, where a perfectly fit Mom was removed from her children's lives.

Since June 2018, I have been fighting relentlessly to see my children. After paying over \$160K in attorney fees, I am nowhere closer than where I was when the children were taken from me by the court system in August 2019. I pray my children get the therapy they need and recover from the results of horrible legislation that does not currently have my children's best interest in mind.

In summary, when I decided to file for divorce, I didn't realize I was also divorcing my kids.

I now mentor other parents who are in the same situation. The story is the same, whether it is a mother or father--false allegations of abuse by one party, gaining full custody and gaining child support payments, and the start of brainwashing and alienation tactics. It happens all the time, it really does. Unless trained professionals are involved to recognize the signs early, precious time can be lost and a future relationship between the parent who is targeted and the child, is in jeopardy.

I hope you see the need for change to the current law, not for me and my children, because it's too late, but other mothers and fathers that experience this type of struggle with their children after a separation or divorce.

I encourage you to pass HB14, the way it is proposed. I understand it's scary to raise the burden of proof because not all victims can show evidence. But the flip side is that good, loving, wonderful parents can also be eliminated from their children's lives without evidence. I haven't seen my sons for years, not because I'm a true danger, not because the court found me unfit, but because a few lies go a long way in family court. The damage to my children cannot be undone and my relationship with them will never be the same. Please take my story into consideration.

Chairman and members of the committee, thank you again for allowing me to provide testimony on HB14. I would be happy to answer any questions.