

Ohio House Families and Aging Committee
Steven R Killpack MS, Executive Director
Community Endeavors Foundation
Opponent Testimony on House Bill 14
March 21, 2023

Good afternoon Chair Schmidt, Vice Chair Miller, Ranking Member Denson, and members of the House Families and Aging Committee. Thank you for this opportunity to submit opponent testimony on House Bill 14. 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 fatherhood and family services practitioner, nonprofit manager and Executive Director of the Cleveland based 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 28 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 statutory definition of the "best interests of the child".

On behalf of the Community Endeavors Foundation, I want to focus my opponent testimony today on three primary concerns that we have with HB 14:

1. The legislation dilutes the best interests of the child standard by directly tying it to and limiting it to equal parenting situations. Equal parenting may be in the best interests of some children, notably when the parents have established parenting relationships and adequate financial resources to sustain two stable households. But there are many other family structures and situations not included in HB 14 that may also be in the best interests of children living in those families.
2. HB 14 does not provide adequate protections in families and relationships where domestic violence has occurred. And we do not believe that it is appropriate to place the burden of rebutting the equal parenting presumption on the parent that has experienced any kind of physical, psychological, emotional or financial

abuse. We fully support the opponents of HB 14 that will specifically address this issue in more detail.

3. HB 14 is completely disconnected from fragile families with low-income unmarried parents. The presumptions in HB 14 seem to have been designed only for divorcing and separating parents with financial and parenting resources and are not relevant for fragile families. Low-income unmarried parents simply do not have the financial resources to parent children in two households. In addition, these parents typically do not have a history of co-parenting their children together, so they lack the knowledge, relationship and experience to develop a parenting plan together. In addition to these challenges both parents face in fragile families, unmarried noncustodial fathers struggle with additional legal barriers to gain access to their children which are not addressed in HB 14. 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.

I'd like to share some additional perspective on this third concern, with a particular focus on the fathers in fragile families. According to recent data, 43% of births 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 have a process triggering a path leading to parental rights, responsibilities, and parenting time when paternity is established. HB 14 does not address this legal barrier to fathering for unmarried fathers and it does not create a path to legal parenting for unmarried fathers in Ohio. There are several statutory models in other states that could be adopted to address this topic and we encourage this committee to study them.

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. Fathers without financial resources are left with the option of filing pro se to seek 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 14 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 equal parenting and the presumptions in HB 14.

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. We encourage the sponsors of HB 14 and House Families and Aging Committee to pause this process and work with interested parties and opponents to develop legislation that addresses all family situations in the state.

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 14.

Throughout the 20th and early 21st 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 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.