

Chairwoman Schmidt, Vice Chair Miller, Ranking Member Denson and members of the House of Families and Aging Committee, thank you for the opportunity to provide opponent testimony on HB 14.

My name is Gina Lott. I am a mother of 4 that fought 7 years to protect my children. I currently reside in West Chester, Ohio. My case finally ended in 2021.

It has been stated to me that child abuse and domestic violence were two separate entities that neither were intertwined with each other.

In 2003 the Department of Justice created a handbook for judges and magistrates to consider in domestic violence. The book is called The Ohio Domestic Violence Bench Book A Practical Guide to Competence for Judges & Magistrates

It states on page 47 • It is reported that up to 70% of the men who batter their wives also abuse their children physically and/or sexually.<sup>2</sup> The most conservative estimates for the overlap between wife assault and child abuse is 30%.<sup>3</sup>

In one of the aspects of HB 508 is that after the presumption of equal parenting time is rebutted, the court then must issue an order allocating unequal parenting time to the parent who hasn't denied the other parenting time and who has generally been "more cooperative".

In the DOJ book it states on page 49:

- "Friendly Parent" Considerations: Ohio is one of 28 states that requires a court to consider, as a custody factor, a parent's willingness to facilitate visitation.<sup>20</sup> Ohio's visitation statute favors "frequent and continuing contact" for both parents.<sup>21</sup> While these provisions are appropriate in most cases, they conflict with the requirement to consider domestic violence as a factor.<sup>22</sup> The ABA's Center on Children and the Law published a statement that friendly parent provisions are inappropriate in domestic violence cases.<sup>23</sup>

Also, on this page it states:

As a defense to domestic violence allegations in parenting cases, some parents raise a theory called "mad mother syndrome" or "parental alienation syndrome" (PAS). Basically, this theory blames one parent for disparaging the other parent to the children, as an alternative to examining whether parental misbehavior – violence, threats, nonsupport, manipulation, etc. – may be to blame for a child's hostility toward that parent. Judges should be aware that PAS does not fit within the definition of any recognized diagnostic syndrome according to the American Psychiatric Association, and it has been severely criticized by the mental health profession.<sup>26</sup> PAS has been similarly rebuked in the legal community as lacking a legally sufficient scientific foundation and as shifting attention away from possible dangerous parenting behavior.<sup>27</sup>

Case in point my story of a 7-year legal battle where I had full custody of the children until August of 2020, where I lost custody of a 17-year-old, the others aged out.

This is our story:

On June 10<sup>th</sup>, 2014, my then husband had his hand around my throat, the police were called, and he was arrested but because he didn't press hard enough to cause a significant bruise, the chargers against him were dropped. I filed for a protection order about the same time I filed for divorce, I was denied a protection order and later was blamed for throwing my husband out and alienating the children from their father.

During the PO in 2014 in front of the magistrate, questions about where his hand were, and another incident is listed below:

A. His hands, wailing his hands, I thought he was-I can't say thought but wailing and uh, I rolled out of bed and then he started throwing things at me and—

Q. When the lights came on, what was the look on his face? A. Like he was going to kill me.

Also, testimony was had on an incident where my ex was thrown out of a park. The magistrate dismissed his behavior and ruled

“Petitioner generally testified Respondent is controlling, selfish, angry, and she has been fearful of him for the past twelve (12) years. Specifically, Petitioner references an incident that occurred during a family outing to Kings Island amusement park. According to Petitioner, Respondent became embroiled in a dispute with a park employee over a refusal to accept a coupon and was removed from the park. Respondent notes while the children were in the Park at the time, they were not present at the site of the incident and although Petitioner was, none of his actions were directed at Petitioner”.

The judge in the case upheld the magistrate's decision.

According to Ohio law Section 2919.25 Domestic Violence

(C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

And yet I and my children were scared not just on that June night but also the day of the incident where he was thrown out. We were afraid of going home and what would happen to us when we got there. In both cases and in so many others, we thought the offender was going to cause us harm and on June 10<sup>th</sup> kill me but was denied a protection order.

Also, in this PO testimony was had on my husband's obsession with cameras both visual and hidden in the bedrooms, kitchen, in my office, over the front door, over the garage and over the hot tub in the backyard. As well as control of the water, lights, the thermostat, and doors.

Evidence was presented and he openly admitted to it. Some of the evidence were logs of events that occurred like 7/31/2014 outside lights turned off by user dad, 8/9/2014 house temperature changed cool setpoint 76 by user dad and so the evidence went.

But the magistrate wrote:

Gina complains that he has remote access to the system and uses his access to change setting and otherwise “monitor” the household to annoy and harass her and the children.

He denies taking any action to annoy or harass Gina.

The magistrate ordered the system to be disconnected but he continued to stalk us in different ways.

He was ordered to pay for the marital home while I and the children were living there. He stopped paying for those bills and the electric, water and tv were going to be shut off. He stated to the court that he couldn't afford his home and the family home. Without proof or evidence that I cost him anything and without documents on his income through pay, investments, retirement accounts and other means, the court and him ordered us out of the family home, leaving I and my children without a place to live and without the marital contents of the home. We were fortunate that my mom paid for us to stay in a hotel until I was able to find a job and a place for us to stay. (This happened in 2015).

I didn't tell him where we were, he found us. In the following is a text message from him

Text from him June 30, 2015 "Gina I can't believe you took the kids to a value hotel...what is wrong with you".

As with all the children, as soon as they could, they ran and ran far from the area. One such child was granted a protection order against her father and his wife in 2018. In her protection order, she writes, "In May of 2015, he bought us out of the house. We were homeless and lived in a place where there were drugs in which I had an allergic reaction being exposed to. It was also scary not knowing when we would have a house and if we would be able to eat every day. He stalked us at the place we were at, too. He would show up unexpectedly and park outside the window".

In her final plea for protection she wrote, "I want to be protected please. He doesn't know where I am going to college right now because any record of that was wiped at my high school, so he had no access to it. By filling out this protection order, I am risking exposing my location. My older sister went to college in Illinois a few years ago so that she could escape him. He found her and started e-mailing and sending her items. She had to get an order against him so that he would not attempt to contact her in any way. Also, my older brother was under the care of a mental health center and/or hospital. My brother had no contact with him. He somehow found the location and name of my brother's mental health worker and began to e-mail them asking them for information on my brother and saying that my mother "parental alienated" him.

But according to the magistrate and the judge, the home security system wasn't a means of stalking but a way of him to protect what belonged to him and the children and since I threw him out, it was his only means to do so. It was because of this statement that they did not see the possibility of him committing the same offense again. Needless to say, we disagreed with the court's viewpoint. We knew that his stalking would continue and that his stalking caused us mental distress.

In this protection order, she also wrote about visitations. Below are excerpts of her thoughts:

"The visitations started with just Saturday visits but increased as time moved forward. There were a lot of attempts to not go on the visitations but every time I refused (or my siblings refused), my mother ended up with another contempt charge. The visitations were awful. Every time I went, he would get into my head. He tried manipulating me by telling me that everything was always my mother's fault and that she's filling our heads with lies".

“When my brother aged out of the system, it was just my younger sister and I who were left to attend the visitations. We had longer, overnight or weekday evening visitations. He put us in what they called the “cat’s” room. I’m really allergic to animals, especially cats and dogs. He disregarded my allergies. I ended up having allergy reactions. One time, I couldn’t breathe, and the cops came to tell him to take me to the doctor, so I wouldn’t get worse”.

I was the one that called the police because she was getting worse, and he was ignoring her, and I thought she was going to die. The police told me that they explained to him that sometimes allergies can become life threatening and a doctor may need to examine a person with an allergic reaction to something. Then proceeded to tell me that I needed to help and support him as he learns how to care for a child. The sentiment of the court was the same, only the court took it further by stating that I was interfering with his rights to visitations and by this interference, I was in contempt of court.

Prior to this incident it was written by the Guardian Ad Litem in March of 2016, “she has a history of allergies...She has stated that she may die or become seriously ill should she be forced to enter father’s current residence. Father responds that there are currently over the counter medications to address the allergic reactions, whereas mother states that her allergies are more severe”.

by the courts “Mother shall within seven (7) days of October 6, 2015, make an appointment for the minor child to see an allergist in order to determine if the child is allergic to the dog father has at his residences”.

The test results were submitted as evidence and stated Cat Hair 4 Dog 4 and according to the scale 4+ = larger than histamine control; pseudopodia may be present (strong positive).

Another words a man and a court knew that this child had allergies to cats and dogs and by subjecting this child to the exposure of cats and dogs could have potentially cause a life-threatening reaction but instead of this man being arrested for child abuse and endangerment, I was the one yelled at, criticized and contempt charges filed for interfering with his visitation rights.

Now let’s fast forward to 2019 and how I lost custody of the last child and ended up in jail.

He stopped asking for the children. His last visit was June 4, 2016. In December of 2017, I went to get the child whom this protection order is being stated, medically necessary surgery. He stopped this surgery by threatening both the doctor and hospital. I made the mistake of going to court to file contempt charges on him for interfering with my rights to get this child surgery. He sued for full custody of the children and won. The one that needed surgery aged out, leaving the youngest behind. The youngest was 16 at the time custody switched. The child that aged out continues in her protection order “In May of this year, 2018, I received a letter (from a hospital) corporate office legal department saying that they investigated a complaint and found that there was illegal and unauthorized access into my EPIC medical record by his wife. They found that she accessed and viewed all of my demographic information, physician orders, visit summaries, medications, and visit notes 27 times. It made me feel unsafe and insecure having my privacy breached.

His wife’s action along with the letter from the hospital was entered into evidence and dismissed. As well as the child that was left counselor, Guardian Ad Litem, and other testimony on the behalf of the child. This child was interviewed, and that interview was dismissed.

She spent one week with him in August of 2019. In October of 2019 she tried to get a protection order in Butler County and was denied. The courts blamed me. In February of 2020, with the help of her school, she graduated at the age of 17. In July of 2020 she left for college and in August was granted a temporary protection order. In August I was accused of hiding her and sentenced to jail. In October of 2020 she was seen as a victim of domestic violence and sexual abuse and was granted a 5-year protection order.

Prior to leaving, she tried and was denied a protection order in Butler County. In her order she wrote

“Then he informed me of the three very strange rules of the house number one I must call him dad. Rule number two no hitting the dogs. This rule is because the last time I stayed overnight with him in 2016 I witness him beating his dogs (on a side note, she told me that she was worried because this dog was gone. She was scared that he had done something to her). The third rule was no cursing which he himself broke while yelling at me in the days following. Rule number four no phone or outside contact with my support system”.

“He tried to convince me that what he did to me in the past was “simply not true”, and that even though my sisters accused him of similar things he called them “liars”. He asserted to me that he had all the power and that I should give in and give up to him. Towards the end of the conversation, he made his first threat, that if I didn’t keep our discussion to ourselves then things would get worse for me”.

“This situation is too much for me to emotionally handle as a human being, I have boundaries and limits and he pushed me to them. I will again state that this is not fair or right to me. I just want to be a normal 16-year-old who doesn’t live in fear and who’s only stress is school and the future. So if you can help me out of this situation. And, if nothing else see me as the human I am and listen to my pain”. And as stated she was denied a protection order in Butler County. She had to leave her home at the very young age of 17. She didn’t turn 18 until February of 2021.

On July 21, 2020, court wrote:

“Plaintiff has refused to relinquish physical possession of minor child to Defendant contrary to numerous orders of the court. Plaintiff was found in contempt of court repeatedly and has 360 days of incarceration previously stayed for non-compliance. Gina Lott SHALL comply with the following orders:

Gina Lott shall ensure he has parenting time with child as follows. He shall have parenting time with her beginning July 24, 2020, to July 31, 2020 on every weekday from 5:30pm to 9:30pm and every Saturday and Sunday from 1:00pm to 6:00pm regardless of her work schedule AND August 7, 2020 to August 14, 2020 every weekday from 5:30pm to 9:30pm and every Saturday and Sunday from 1:00pm to 6:00 regardless of her work schedule.

This matter/IMPOSITION shall be reviewed in Court before Judge August 26, 2020, at 8:30am. GINA LOTT IS ORDERED TO APPEAR ON AUGUST 26, 2020, AT 8:30am before judge. If Gina Lott fails to appear, a WARRANT SHALL ISSUE for her arrest”.

On August 26, 2020, the child was already gone. She left the first weekend of July. On August 26, 2020, I was ordered to appear on August 28<sup>th</sup> for sentencing. With the help of my lawyer, I quit my life, my job my medical appointments, wrote a will and got my affairs in order. On August 28, 2020, I was in some ways fortunate, she only sentenced me to 10 days of incarceration, but my job was gone, my money was

gone because of this 7-year battle and the loss of spousal support, I paid him child support until February of 2021, and I paid for his legal fees. If I had known I was going to be in for only 10 days, I wouldn't have quit my job. On September 18, 2020, at 8:30, I was ordered for review by the judge. I'm not sure what happened. I don't recall going to that hearing.

In HB 508, in order to rebut the presumption of equal parenting time, I would have had to provide clear and convincing evidence that it would be detrimental to my children to not be around their father. You have heard my story and what I have faced in our current court system to protect my children from harm. This bill would not have helped my situation and in fact, my children would have faced a similar outcome. This bill also requires the court to issue an order awarding the majority of parenting time to the parent more likely to honor and facilitate parenting time for the other parent. How was protecting my children deemed uncooperative?

Thank you for your time