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**Maria York, Policy Director  
Ohio Domestic Violence Network  
House Families and Aging Committee  
Opponent Testimony on HB 14  
March 21, 2023**

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

My name is Maria York, and I am the Policy Director for the Ohio Domestic Violence Network. The Ohio Domestic Violence Network (ODVN) is Ohio's federally designated domestic violence coalition, representing 76 local domestic violence organizations throughout the state. In calendar year 2022, ODVN programs sheltered 9,886 survivors (approximately 5,594 adults and 4,292 children) and provided nearly 73,000 survivors and their children with supportive services, including legal advocacy on civil issues such as divorce, custody, and safe parenting time.<sup>1</sup> Many of these survivors and their children were residing in a domestic violence shelter in an effort to keep themselves and their children safe during court proceedings.

Thank you for the opportunity to provide Opponent testimony on HB 14.

First, we want to be clear that ODVN is not opposed to the concept of shared parenting when there is no domestic violence or child abuse and both parents are able to work together. We support shared parenting arrangements when the parties enter into such an arrangement voluntarily and with the necessary resources to accomplish the goal of serving the **best interests** of the child. The danger of presumptive equal parenting time and decision-making is that it assumes that it is good for *all* children, without regard to what is actually happening in a home. In effect, HB 14 elevates the rights of all parents, even abusive parents, over the safety and well-being of children.

Domestic violence is present in a significant number of litigated custody cases. National research shows that about 90% of the cases are resolved without significant court intervention (mediation, custody evaluations, litigation).<sup>2,3</sup> In 2022, 84% of Ohio's divorces with children were resolved without significant court intervention.<sup>4</sup> Among the cases that are litigated, **approximately 60-75% involve reports of domestic violence.**<sup>5</sup>

A presumption of equal parenting time and responsibilities inappropriately gives an abusive parent immediate access to their children and unfairly burdens the victim of abuse with rebutting this presumption. Considering the incidence of domestic violence in custody disputes, this burden weighs heavily on domestic violence survivors, who may have difficulty with court procedures and paperwork, particularly if they cannot afford to retain an attorney.<sup>6</sup>

<sup>1</sup> The Ohio Domestic Violence Network (ODVN) surveyed its 76 member programs January 5 to 27, 2023 about the prevalence of domestic violence. A total of 74 programs responded, a 97% response rate.

<sup>2</sup> Court Statistics Project. Caseload Detail: Dissolution/Divorce. *Court Statistics Project*, Available from <https://www.courtstatistics.org/csp-stat-nav-cards-second-row/csp-stat-domestic-relations>.

<sup>3</sup> Ollendick, White & White, *The Oxford Handbook of Clinical Child and Adolescent Psychology*, 499 (2018).

<sup>4</sup> ODVN compared marriage terminations with children cases through the data provided by the State of Ohio Courts of Common Pleas, Domestic Relations Division. (2022). Available from [Workbook:FormB-judge-state-PROD\(ohio.gov\)](http://Workbook:FormB-judge-state-PROD(ohio.gov))

<sup>5</sup> Peter G. Jaffe, Claire V. Crooks & Samantha E. Poisson, *Common Misconceptions in Addressing Domestic Violence in Child Custody Disputes*, 54 JUV. & FAM. CT. J. 57, 60 (2003) (75% of cases filed include domestic violence allegations)

<sup>6</sup> Self Help Legal Manual for Survivors of Domestic Violence, Sexual Violence, and Stalking, (2019). [https://www.odvn.org/wp-content/uploads/2020/07/Self\\_Help\\_Legal\\_Manual\\_General\\_7\\_21\\_2020\\_web.pdf](https://www.odvn.org/wp-content/uploads/2020/07/Self_Help_Legal_Manual_General_7_21_2020_web.pdf)

Furthermore, many parents may be afraid to present evidence that the other parent is unfit, fearing that their reports of domestic violence or child abuse will be ignored or used against them by the other parent who perceive allegations of domestic violence in a custody battle as “false and asserted solely as a strategic maneuver to gain custody.”<sup>7</sup> A recent national study of 10 years of published court opinions found that courts only believed women’s claims of abuse 36% of the time; this dropped to 16-21% for child abuse claims.<sup>8</sup> Last year, ODVN released a statewide survey analyzing marginalized survivors’ experiences with getting help from the systems. Data results included Black and African American women being over-represented among the participants who felt their concerns were not taken seriously by the courts and male survivors were three times less likely to be believed by the systems when they raised concerns of abuse.<sup>9</sup> Again, HB 14’s equal parenting time and responsibilities presumption can only be challenged through extensive and complicated litigation which further endangers survivors representing themselves in court.<sup>10</sup>

According to the U.S. Department of Justice, about 2 out of 5 violent victimizations are reported to police.<sup>11</sup> Many survivors who seek help at ODVN member programs don’t make police reports for a variety of reasons, including fear of reprisal or getting the offender in trouble, believing that police would not or could not do anything to help, and believing the crime to be a personal issue or too trivial to report.<sup>12</sup> In Ohio, over 100 people die every year due to domestic violence.<sup>13</sup> In ODVN’s most recent fatality report, 22 children and babies were killed, the highest ever reported.<sup>14</sup> **Furthermore, in this report, only 25.6% of victims ever previously reported a domestic violence incident to the police.** Using the HB 14 standard, many domestic violence victims simply do not have the evidence of abuse to rebut the equal parenting time and responsibilities’ presumption.

Instead, Ohio’s children deserve safety-focused legislation that preserves the court’s discretion on a case-by-case basis as to the best interests of children. Recently, the National Council of Juvenile and Family Court Judges released a model code on domestic and family violence. The council’s approach promotes the best-interest-of-the-child analysis based on evidence related to the effects of domestic abuse, the current and future risk to the abused parent and the child, and the ability and willingness of the parent who is abusive to focus on the needs of the child without continued use of abusive tactics.<sup>15</sup>

Lastly, we would like to address the claims that the presumption of equal parenting time and responsibilities decreases domestic violence. First, the language in HB 14 is vastly different than what was introduced in other states and is, in fact, **the most extreme in the country.** Attached is information provided by the Kentucky Coalition Against Domestic Violence (KCADV), which states there is absolutely no correlation between passage of the Kentucky law and the rate of domestic violence in their state.<sup>16</sup> Furthermore, in a 2020 needs assessment of how Kentucky’s court system handles domestic violence and sexual assault cases, the researchers found a significant problem with the way data about protection orders are collected and reported.<sup>17</sup>

Replacing the current best interests of the child standard with a presumption of equal parenting time and responsibilities in all cases is a dangerous proposal, particularly for domestic violence survivors and their children. On behalf of the Ohio Domestic Violence Network, our member programs, and the countless domestic violence survivors and their children, we ask that you oppose HB 14. Thank you for your time.

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<sup>7</sup> The Women’s Law Project has a long history of advocating in Philadelphia’s Family Court. For more information, please visit <https://www.womenslawproject.org/domestic-sexual-violence/philadelphia-family-court/>

<sup>8</sup> Meier, supra n. 15 at 19.

<sup>9</sup> Seeking Safety, Equity, and Justice. 2021 Ohio Statewide Survey Results: Domestic Violence Survivors; Experiences with Law Enforcement, Courts, Child Welfare, and Social Service Systems. [https://www.odvn.org/wp-content/uploads/2022/02/Seeking\\_Safety\\_Equity\\_and\\_Justice\\_Appendices.pdf](https://www.odvn.org/wp-content/uploads/2022/02/Seeking_Safety_Equity_and_Justice_Appendices.pdf).

<sup>10</sup> Maritza Karmely, Presumption Law in Action: Why states Should Not Be Seduced into Adopting a Joint Custody Presumption, 30 ND J. L. ETHICS & PUB POL’Y 321, 341-42 (2016).

<sup>11</sup> U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics. Criminal Victimization. (2019). Available from [Criminal Victimization, 2019 \(ojp.gov\)](https://www.ojp.gov/criminal-justice-statistics/criminal-victimization)

<sup>12</sup> Ibid.

<sup>13</sup> Since the Covid epidemic began through 2021, Ohio domestic violence fatalities have increased substantially. See a complete compilation of ODVN’s Annual Fatality Reports here <https://www.odvn.org/media/>

<sup>14</sup> Ohio Domestic Violence Network, Ohio Domestic Violence Fatalities July 1, 2021 – June 30, 2022. Available from [ODVN\\_FatalityReport\\_2021-2022.pdf](https://www.odvn.org/wp-content/uploads/2022/07/ODVN_FatalityReport_2021-2022.pdf)

<sup>15</sup> Revised Chapter Four: Families and Children. Model Code on Domestic and Family Violence. (2022). Available from [Revised-MC-Chapter-Four-Dec.-2022-FINAL.pdf.pdf \(ncjfcj.org\)](https://www.ncjfcj.org/ncjfcj-revised-mc-chapter-four-dec-2022-final.pdf)

<sup>16</sup> See attached letter from KCADV. Updated March 2023.

<sup>17</sup> 2020 Violence Against Women Act: Statewide Needs Assessment. Findings and Recommendations Report Kentucky Court of Justice (2020). See specifically page 29. Available from [2020 Violence Against Women Act Needs Assessment - Kentucky Court of Justice \(kycourts.gov\)](https://www.kycourts.gov/vaw-act-needs-assessment-2020/)



Kentucky Coalition  
Against Domestic Violence

**KCADV**

Prevent • Empower • Support

March 19, 2023

Dear Ohio Legislator:

The Kentucky Coalition Against Domestic Violence ("KCADV") has become aware that supporters of so-called "shared parenting" legislation, including some in Ohio, have made statements about Kentucky's law passed in 2018. We respect, and would not presume to insert ourselves into the Ohio Legislature's deliberations, but we would like to correct the record as it relates to Kentucky's experience.

### **NO Correlation**

There is absolutely no correlation between passage of the Kentucky law and the rate of domestic violence in our state. Aside from it being impossible to establish a cause-and-effect relationship between changes in an unrelated law and the prevalence of domestic violence, in our experience the data vary from year-to-year, sometimes up and sometimes down, without regard to changes in statutes. For example: The number of domestic violence protective order cases *filed* in Kentucky's district and family courts often vary by a few thousand annually, from a low of 19,941 to a high of 25,486 between 2011 and 2018. The average of those years was about 22,000 cases *filed*. Our state's Administrative Office of the Court's website actually shows a small increase in filings between 2018 and 2019 (one percent). Further, as with court filings around the country, most went down in 2020 due to the pandemic. So, claims that cases dropped by a few hundred cases as a result of the new law are just not meaningful.

### **Limited Data, Underreporting, and the Pandemic**

Our state has a spotty record when it comes to data collection regarding domestic violence protective orders to begin with. And, it is well known that many victims do not report their abuse or apply for protective orders, and sometimes may not be issued a PO for a number of reasons when they do apply. Then there is the pandemic, which has scrambled everything. So, using protective order data in the form of raw numbers of filings from our Administrative Office of the Court is a questionable and often problematic methodology and certainly cannot be used to substantiate the claims that a new equal parenting law is responsible for shifts in that data.

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Against Domestic Violence

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## **Joint Custody and Equal Parenting REQUIRE Filing a Suit (i.e., Litigation INCREASES)**

Claims that family law litigation was reduced by the change in law are similarly flawed. The only way to get a joint custody or equal parenting order is to file a suit so that a court has jurisdiction to enter the order. Fewer suits being filed is unrelated to the issuance of joint custody or equal parenting orders because there had to be a suit before an order could be issued in the first place.

### **New Law Increases Barriers for Victims**

One concern KCADV has about the change to Kentucky's parenting statute is that it forces domestic violence victims to prove they were abused in order to overcome a presumption of equal time and increase separation from the other parent. Often, survivors have an overriding need to get away from their abusers and do not want to face them in litigation or bring the personal aspects of these issues into public in a courtroom. Litigation abuse is a common tactic used by batterers because it is one of the few remaining ways that they can control a victim after separation. It enables them to drain the victim's financial resources as family courts allow for parties to demand many hearings. It is unfortunate that this type of law can give the abuser leverage over the victim. KCADV works closely with our counterparts in other states. The Ohio Domestic Violence Network ("ODVN") is the go-to organization in your state for information and advice regarding domestic abuse and I strongly urge you to consult the ODVN as you consider shared parenting legislation.

Thank you for all you do for your state.

Sincerely,

Mary E. Savage  
Chief Legal Officer  
Kentucky Coalition Against Domestic Violence

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Barren River Area Safe Space  
Bethany House Abuse Shelter, Inc.  
The Center for Women and Families  
Cumberland Valley Domestic Violence Services  
DOVES of Gateway

GreenHouse 17  
LKLP Safe House  
Merryman House  
OASIS  
Safe Harbor

Sanctuary, Inc.  
SpringHaven, Inc.  
Turning Point Domestic Violence Services  
Women's Crisis Center - Northern KY  
Women's Crisis Center - Maysville