



Ohio Victim Witness Association

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20 MARCH 2023

Dear Families and Aging Committee Chair Schmidt, Vice Chair Miller, Ranking Member Denson, and Reps. Barhorst, Brewer, Fowler Arthur, Lipps, Liston, Manchester, Mathews, McNally, Richardson, Robb Blasdel, Somani, and White:

On average, when both parents are involved in the lives of their children, the children do better in several key measures. They statistically get better grades; are less likely to smoke, get drunk, and use drugs; and are less susceptible to anxiety, depression, and stress-related illnesses.ⁱ However, there is a major caveat to that—one that House Bill 14 does not adequately account for—and that is that is in cases of domestic violence, child abuse, and neglect. According to the Centers for Disease Control and Prevention, when children receive or witness abuse, they are at higher risk for poor long-term health, impaired mental health, and negative social consequences.ⁱⁱ

According to Section 3109.04 of the Ohio Revised Code, in the case of parents who do not live in the same household, if neither parent files for Shared Parenting, Sole Custody is the default custody arrangement.ⁱⁱⁱ In recent years, Shared Parenting has become the most common type of custodial arrangement in Ohio, with many courts appearing to give unstated preference to this custody arrangement.^{iv} That's great, in most cases. However, not all cases should start with the presumed outcome of Shared Parenting.

In Ohio, courts operate from a model of what is in the best interests of the child, rather than on parental entitlement. HB 14, as it is written, would shift this child-centric model to a rebuttable presumption of equal parenting time and decision-making to both parents in a domestic relations or juvenile court proceeding. HB 14 would lead to an increase in litigation by victims of domestic and family violence, as this would be their primary form of recourse to challenge equal decision-making and parenting time presumptions.

When making decisions about parental custody, our primary focus should be on the safety and well-being of children. Children have the right to be protected, and it would be unethical to subject victimized children to unnecessary testimony in order to establish "clear and convincing" evidence of abuse. It is essential that judges retain the ability to review the available evidence and exercise discretion on a case-by-case basis to keep kids safe—and that means maintaining the "preponderance of evidence" language

regarding family violence and ensuring that decisions on parental time and decision-making are based upon the best interests of the child.

Sincerely,



Elyse McConnell, MBA

Executive Director

ⁱ https://law.ubalt.edu/academics/publications/lawreview/volumes/6_Warshak.41.1.pdf

ⁱⁱ <https://www.cdc.gov/violenceprevention/aces/index.html>

ⁱⁱⁱ <https://codes.ohio.gov/ohio-revised-code/section-3109.04>

^{iv} <https://www.jdsupra.com/legalnews/ohio-house-bill-508-a-potentially-6831528/>