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**House Families and Aging Committee
Opponent Testimony on Sub. H.B. 14
May 14, 2024**

Mary O'Doherty, Executive Director
Ohio Domestic Violence Network

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

My name is Mary O'Doherty, and I am the Executive 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 2023, ODVN programs sheltered 9,707 survivors, including 3,743 children, and provided over 98,000 survivors with supportive services, including legal advocacy on civil issues such as divorce, custody, and safe parenting time.¹ 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.

The substitute bill for H.B. 14 does not alleviate our serious concerns. We remain opposed to any proposal that creates a "presumption of equal parenting" which puts the rights of parents over the best interests of a child.

The presumption requirements that remain in the substitute bill will result in nearly insurmountable burdens for victims of domestic violence and child abuse. 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. The bill starts all families at the "finish line" with the expectation of working backwards if one parent is opposed to the default presumption. Considering the prevalence of domestic violence in litigated custody disputes, this burden weighs heavily on domestic violence survivors.

The bill will create a chilling effect on victims, who will be afraid to present evidence that the other parent is unsafe. Even if the presumption of equal decision-making is rebutted, those responsibilities might be awarded to the "nondisruptive parent" or one who has "demonstrated a greater and consistent willingness to cooperate" with the other parent.

¹ For more information, visit https://www.odvn.org/wp-content/uploads/2024/04/ODVN_FactSheet_April2024.pdf

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. We reviewed and are supportive of the suggested compromise amendments that were drafted in December 2023: AM0520 and AM0316. We are extremely supportive of AM0316 especially as it includes more safety provisions.

There are alternative family reform measures that focus on child safety:

- The Model Code on Domestic and Family Violence from the National Council of Juvenile and Family Court Judges. 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.²
- The bipartisan federal "Keeping Children Safe from Family Violence Act," which would express that child safety is the first priority of custody and parenting adjudications, and courts should resolve safety risks and claims of family violence before assessing other best interest factors. The Act also provides federal funds to the states that improve their child custody laws to better protect at-risk children.³ Utah was the latest state to enact such legislation just last month.⁴

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 the current version of H.B. 14 and instead focus on meaningful family law reform initiatives. Thank you for your time.

² 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 \(ncjfcj.org\)](#)

³ Title XV in Violence Against Women Act: "Keeping Children Safe from Family Violence." For more information, please visit <https://www.congress.gov/bill/117th-congress/senate-bill/3623/text?s=6&r=1&q=%7B%22search%22%3A%22Violence+Against+Women+Act+Reauthorization+Act+of+2022%22%7D#toc-H6EDA4A7B37F649DDA76160A44E61B3BF>

⁴ To view Utah's enacted bill, please visit <https://le.utah.gov/~2024/bills/static/HB0272.html>