



# Ohio Judicial Conference

The Voice of Ohio Judges

**Senate Judiciary Committee**  
**Judge Randall D. Fuller**  
**Proponent Testimony on Senate Bill 176**  
**February 28, 2024**

Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson and members of the Senate Judiciary Committee, I thank you for this opportunity to submit proponent testimony for Senate Bill 176 on behalf of the Ohio Judicial Conference.

I am Judge Randall Fuller. I was elected to serve as the first Judge of the Common Pleas Court of Delaware County, Domestic Relations Division in 2016. Prior to taking the bench, I practiced law in downtown Delaware for 21 years. I currently serve as the President of the Ohio Association of Domestic Relations Judges. I am the Immediate Past President of the Ohio Chapter of the Association of Family and Conciliation Courts (AFCC) and serve on the AFCC Board of Trustees. I also serve on the Board of Trustees for the Ohio Judicial College and as a member of the Ohio Judicial Conference's Domestic Relations Law and Procedure Committee, Legislative Committee, Court Technology Committee and Judicial Advisory Group. I am also a member of the National Council for Juvenile and Family Court Judges and a member of the American Judges Association.

Currently, domestic relations courts across the state have inconsistent authority regarding the courts' ability to grant an initial order of child support for disabled children over the age of 18. These children are often called "Castle Children," in the family law community, after the Supreme Court of Ohio's 1984 decision *Castle v. Castle*, 15 Ohio St. 3d 279, which ruled that the parents' duty to support their minor children may continue beyond the age of majority if the children are unable to support themselves because of serious mental or physical disabilities which existed before attaining the age of majority. Castle Children may require significant lifelong support from their parents. Often one parent may need to reduce work hours or stop working to address the needs of the child, resulting in the child's primary caregiver having a lower income or no income. This income disparity may necessitate a support order if the parents divorce.

In *Castle*, the Supreme Court held that domestic relations court may continue or modify support payments to disabled children beyond age 18, but the Supreme Court did not rule whether domestic relations courts have authority to issue an initial order of support for disabled adult children. Without clear guidance, Ohio's appellate courts have taken different interpretations. Ohio's Seventh District Court of Appeals ruled in *Abbas v. Abbas*, (1998) 128 Ohio App. 3d 513, that in granting custody of a 25-year-old child to the child's mother, the trial court "was essentially asserting" that the child had not reached the age of majority. Therefore, the trial court maintained continuing jurisdiction over the child and could order child support payments pursuant to *Castle*.

The Tenth District disagreed in *Geygan v. Geygan*, 2012 Ohio 1965, which ruled that in enacting R.C. 3119.86, the General Assembly considered the question of child support for adult children with disabilities and chose to incorporate the words "continue" and "beyond," thus disallowing an initial order for an adult

child despite their disability. These are just two of the conflicting interpretations of *Castle* and the corresponding statutes in the Ohio Revised Code.

The OJC supports S.B. 176 to resolve this appellate court dispute, provide uniformity, and clarify the law to allow domestic courts to grant an initial order of child support for qualifying disabled adult children over the age of 18. Uniformity will allow all Ohio Castle Children to be treated similarly and help parents with Castle Children who move from one appellate district to another to maintain their support order. Domestic relations judges will maintain discretion to review the sufficiency of the disability claim and whether it necessitates a support order. The courts will also determine whether the child support order will impact the ability of the disabled adult child to receive other benefits, such as Medicaid and Supplemental Security Income (SSI). This will allow courts to have the authority to order support for disabled adult children when warranted by the facts of the case.

Thank you for the opportunity to submit testimony in support of S.B. 176. We thank the sponsors, Senator Romanchuk and Senator Sykes, for introducing this legislation. I would be happy to answer any questions you may have.