

## **OPPONENT TESTIMONY - SB174 FLRI Bill**

### **TESTIMONY OF Kindra Foley**

#### **THE OHIO SENATE, 136TH GENERAL ASSEMBLY**

**OCTOBER 6, 2025**

My name is Kindra Foley, mother of two boys, one of which I haven't had any contact with since February 2020. The younger son I just started seeing once a week in June 2025 after no contact since June 2021. That is five years of separation with my 18 year old son and four years with my 14 year old son. Prior to separation in 2018 with their father, I was a very active Mom, being a Cub Scout Leader, volunteering with school events and attending Halloween, Valentine, Christmas parties and more. I also made sure even though the boys had summer birthdays that I worked with their teachers every year to celebrate with their classmates sometime throughout the school year. I organized sporting calendars including football, basketball, soccer, and signed them up for extracurriculars that they were interested in including week long horse camps, STEM camp and Science fairs. All while holding down a professional sales and marketing career.

We had many family vacations including, visits to the family lake in Michigan, Florida trips and a Disney cruise while we were married. One of the boys highlights of the summer was spending time at the family's lake cottage in Michigan. After the separation, I even took the boys for spring break by myself to St. Louis to start establishing some new memories and traditions. My family surprised them later that same year with a trip to Universal Studios.

During our 10+ years of marriage, we had a relatively normal upbringing with the boys and our extended families were very involved in the boys' lives. Birthdays involved both sides of the family and grandparents came to every school event and extracurricular activity.

The day I filed for divorce, my legal counsel advised me to file with a new resident address, which meant moving out that day, and I was advised to take my children with me so it was not considered abandonment. In hindsight, that was terrible advice, but you trust your legal counsel when you go through a divorce and are not educated on the process or rules. I received temporary custody for a few months (June-July 2018), but then a GAL was assigned to the case, and he ordered the children move back to the primary residence to stay within the school district, which meant awarding Dad temporary custody. I was also told by the GAL I lived too far away to see my kids during the week so if I wanted 50/50 visitation, then I needed to relocate within 24 hours. So I did. I was blessed to have a friend who flipped houses and had one available that was almost complete in Centerville so I was able to move in

quickly to a 4 bedroom, 2 bathroom, sunroom, and very affordable for my single income. In addition, the GAL made the determination that the best fit for our family was 50/50 visitation with the schedule of Monday and Tuesday with Dad and Wednesday Thursday with Mom and alternating Fridays based on weekend visitation. This was confusing for our youngest and there were several times he cried and the teacher called because he wasn't sure which bus to get on or if he should be a walker for me to pick him up. Without the interference of the court appointed GAL, we could have come to a better 50/50 schedule that worked for our family.

During our separation from 2018-2019, the father of our children tried several times to claim I was abusing the children, mentally unstable, abusing substances, and much more. All of which were lies and disregarded by the GAL.

About a year later, in August 2019, my ex finally was successful in accusing me of abuse because our oldest son returned from a vacation upset that I had taken his phone and complained to his Dad that he didn't want to see me anymore. The judge conducted an in-person interview with the children and stated that it "was just a typical child upset with a parent for a punishment he didn't agree with and we were to be reunited immediately." But that never happened.

Keep in mind that our divorce was still not finalized.

However, my ex proceeded to file a protection order, which was granted and extended for the next 6 months due to court delays. Please understand that a protection order in Ohio states "no contact including communications by any other means directly or through another person". So the GAL and attorney advised my parents (the boy's grandparents), my sisters (their aunts) and brother-in-laws (uncles), great grandparents and extended family to not have any contact with the children. To this day, the my oldest son who has timed out of the system, at 18 years old, still does not have any relationship or contact with that side of the family. The youngest son, age 14 is just now meeting his cousins for the first time (they are 3 years old and 1 year old) and reuniting with grandparents just within the last few months.

In February 2020, 6 long months of attorney's arguing, court extensions, the lack of engagement from the GAL, after a day of testimony from the children services rep (who closed the case after interviewing me) and my ex in court, the father of our children chose to dismiss the case and agreed that I could start to see the boys again. However, during that time, my children and I lost valuable time together for no reason at all. During the time of separation, the children were psychologically influenced by their father and filled with lies.

Per court requirements, we entered into a slow re-introduction that included reunification counseling, supervised visits (with my ex father-in-law as the supervisor), then several two-hour unsupervised visits, progressing to several 8-hr visits then eventually a full overnight weekend. Ultimately building up to 50/50 visitation, our initial 2018 separation agreement.

The first time I reconnected with my sons after 7 months, my oldest was resentful. He thought we abandoned them for a year because he was told we didn't love them. He also was very influenced by

the court - appointed supervisor, my ex father-in-law, sitting at the same table and observing the conversation and even engaging when he felt necessary to do so. The GAL never enforced counseling or parenting time to happen with the oldest during the next year even though it was court ordered. As a result, my son and I have never re-established a connection.

During that same visit, my youngest son cried and said he looked to the stars and prayed for us every night. He was confused and didn't understand why he couldn't see me for so long. That day, he was so excited to not only see me, but my parents, aunts and uncles.

Fast forward to February 2021, after rebuilding the relationship with my youngest and having 50/50 visitation for 8 months, and no communication with my oldest, we finalized our divorce and outlined that I will start to go to counseling with my oldest. However, counseling also never happened.

In March 2021, one month after the divorce, my ex falsified child abuse accusations for that same incident in August 2019 that he originally dropped with the domestic relations courts in February 2020. As an investigation was opened, and a new "no-contact" order was established with my oldest son and myself—and ultimately the entire side of my family again. After a year, the allegations were proven false and the case was dropped—again by the prosecuting attorney and signed by the judge without trial! The criminal court judge even made the statement that it was a "civil issue that my ex was trying to use the criminal courts to gain custody".

Since June 2018, I have been fighting relentlessly to see my children. After paying over \$190K in attorney fees, I was nowhere closer than when the children were taken from me by the court system in August 2019. In 2023, I decided to go pro-se and represent myself and for over a year, I was more successful in getting a therapist assigned by the magistrate that could address all members of the family and evaluate what was happening. Alienation was identified and as a result, my ex, their Father, decided to start to work with me vs. through the court system. In June of 2025, in the hallway of the courthouse, my ex and I decided to stop paying the court system and attorneys and came up with a plan that worked for the youngest child that didn't involve therapists or the courts, just accountability from the court that we would both do what we proposed.

I wish we could have done this with my oldest child, but I can now only hope that he sees the progress his brother is making with the family and chooses to mend broken relationships with all of his family.

In short, when divorce is filed, the parents agree to separate, but not the parents from the children. I never dreamed I would be choosing to divorce my children! And then once filed, why does one parent get full custody and one get visitation time ONLY in Ohio? How does this make any sense when this is not how the family was prior to divorce? How is letting the courts or GALs make decisions for families in the best interest? It's not.

I encourage you NOT to accept the bill as it is written, as it is written to benefit the courts and lawyers, not the families. If this bill is passed, it could eliminate good, loving, wonderful parents from their children's lives, just like it did ours.

My youngest son and I have a great relationship now. We spend 6-8 hours weekly together and also text during the week. Open communication. Healthy communication. Just like it should have been all along if the courts would have stopped listening to false allegations and lies from one parent. If the GAL would have been a certified therapist vs. an attorney who just wanted another form of income. Or if the court would have stopped listening to a parent who claimed the children "feared" a fit and loving mother.

Ultimately, the parents should be encouraged or even forced to agree on a plan that works for the children. If allegations of abuse are presented based on preponderance of evidence and with complete discretion from the courts, you might be tearing apart a parent from a child with a perfectly healthy relationship. And like in my case, not just the parent, but a whole side of a family. If abuse turns to criminal cases, then let the criminal courts decide if it is justified. If not, do not allow these allegations to affect parenting time. One lawyer even told me that protection orders are used as weapons to get full custody of the children. In a case of abuse allegations, clear and convincing evidence should be required.

If cases are non-contested, then it should not be the court's decision to order investigations and evaluations that are unnecessary and only add expense to the parents. Let's keep our money for the children's future!

In any case, the children should not go without any contact with the parent. There are many safe options for the child to have supervised visitation and keep a relationship with their parent during investigations. There are studies after studies that both parents should be involved in a child's life. A fit and loving parent shouldn't have to work so hard or pay so much to be involved!

I urge you to consider who this bill is really helping, the children or the lawyers and judges. Put yourself in a situation where you have to fight allegations of abuse or be the parent who has visitation only after being a full time and active parent. You think it can't happen to you, but it can!