

To: Ohio Senate Judiciary Committee
From: Bob Butkowski
Date: 10/8/2025
Re: Testimony Opposing Ohio SB 174

Introduction

Chair Manning, Vice Chair, Members of the Committee:

Thank you for the opportunity to share my thoughts. I oppose SB 174 because its real-world consequences (beyond its words) risk harm to children, parents, and the fairness of the family law system. Below I outline how this bill, as drafted, is likely to play out in practice.

Projected / Actual Effects of SB 174

1. Reduced Clarity & Increased Litigation

- With the elimination of traditional terms like “shared custody,” “sole custody,” “residential parent,” etc., and replacing them with “parenting responsibilities” and “designated parent,” many parents and even judges may struggle to understand who is responsible for what.
- This ambiguity may lead to more litigation, appeals, or disputes over interpretation of responsibilities, rather than solving conflicts.
- Because overlapping responsibilities are possible (e.g., “welfare,” “health,” “education”), confusion may require more court involvement to clarify.

2. Codifies the Silver Bullet

- Courts to consider all *allegations* of abuse or DV and may restrict or deny parenting time if one parent expresses “fear” (without findings and under preponderance of the evidence)

3. Greater Judicial Discretion Without Stronger Safety Guarantees

- The bill gives courts broad power to restrict or allocate parenting responsibilities and to decide on parenting plans even if neither parent submits a plan, or the submitted ones are not in the child’s best interest.
- Such discretion can lead to inconsistency between courts. Two similar families in different counties or before different judges could see vastly different outcomes; this will undermine predictability and fairness.
- Also, in emotionally charged or high conflict cases, discretion without robust procedural safeguards may favor parents who have more resources (lawyers, evidence) or can articulate arguments better.

4. Potential Harm to Survivors of Domestic Violence or Abuse

- Although SB 174 includes some provisions for restricting access or responsibilities in cases of abuse, the requirement of proving (by a preponderance of evidence) that such restrictions are “reasonably calculated” to protect imposes burdens.

- Survivors may find it difficult to meet those evidentiary burdens, especially when abuse is emotional, controlling, or has no third-party documentation.
 - The push toward equal time presumption increases risk that abusive parents may get parenting time or decision-making authority even when risk exists, unless the court finds otherwise—and that finding may require extensive evidence, hearings, and delay.
- 5. Increased Burden on Courts / Delays**
- More detailed parenting plans, mandated hearings, required written findings, expanded “best interest” factors (including safety, delays, actions of parents) will place heavier caseloads on courts.
 - As hearings become more complex (documenting safety issues, analyzing evidence of neglect or abuse, making relocation decisions), time to resolution may increase. This prolongs uncertainty for children and parents.
 - Costs to parties (legal fees, expert witnesses) may rise, making access to justice harder for low-income families.
- 6. Unequal Effects Depending on Resource Disparities**
- Parents with greater financial means, better legal representation, or prior familiarity with family court will be better positioned to benefit from SB 174’s provisions (e.g. in preparing detailed plans, proving why equal time is inappropriate, asking for limitations).
 - Parents without resources or with less capacity (time, money, ability to gather evidence) may be disadvantaged, even if their concerns are legitimate.
- 7. Destabilization of Existing Parenting Orders**
- SB 174 allows modification of existing orders under the new framework. That means stable arrangements that have worked for years might get reopened or challenged. Children’s lives could be disrupted by suddenly changing parenting responsibilities.
 - The transitional period could see a flood of motion filings, family law conflict, and inconsistent rulings as courts interpret and apply the new law.
- 8. Risk of Overreach into Private Family Decisions**
- By requiring detailed parenting plans that may include minutiae (communication schedules, how often parents must be notified, etc.), the legislation may push courts to micromanage family life in ways that are not helpful, burdensome, or even harmful.
 - Some everyday parental decisions may become points of legal contest, increasing conflict rather than reducing it.

Thank you