

Senate Bill 174 – Opponent Testimony

Senate Bill 174 is not a child centered bill. The bill fails to address the core issues in Domestic Relation Courts, as it continues to marginalize one parent, undermining the child's best interests.

As you witnessed during **both** opposition and proponent testimony of the equal shared parenting bills previously introduced, the witnesses were loud and clear that the domestic relations judges should have less discretion not more!

It is very clear there are significant problems with Ohio's Domestic Relations courts. The top problems are:

1. Children of divorce are treated terribly by Ohio as courts routinely push one good parent out of children's lives. **SB174 will not improve this as there is no requirement for Counties to establish an equal parenting plan as the default.**
2. Parents are incentivized to battle for custody of children for fear of being cast aside as an every-other weekend visitor in their children's lives. **SB174 will not improve this as there is no requirement for Counties to fix their lopsided standard parenting plans.**
3. The standard parenting plans created in each individual Ohio county are arbitrary and Court Orders vary based on the preference of the individual judge. **SB-174 will not improve this as it now grants even more discretion to Courts and makes appeals nearly impossible.**
4. County standard parenting plans do not follow the recommendations of decades of studies that show equal shared parenting results in the best outcomes for children. **SB-174 will not improve this as there is no requirement for Counties to establish an equal parenting plan as the default**
5. Parents are forced to waste tens or hundreds of thousands of dollars in litigation instead of using it for their children. **SB-174 will actually make this worse as now courts can order even more costly investigations even when parents had already brought an agreed upon parenting plan to the Court. (SB-174 Pg 172)**
6. False accusations are proven strategy to win custody **SB-174 will actually make this worse as now a parent merely has to claim "fear" to gain an advantage. It's virtually impossible to disprove someone's claim of how they feel.**
7. Temporary custody orders (which are filed before any hearings and investigation) get grandfathered-in the final custody orders by claiming it might be destabilizing to change the schedule set by the temporary orders. **This is the only positive requirement that I've**

seen in SB-174 as it precludes considering the temporary parenting order as a factor in parenting orders.

8. Real instances of abuse are often overlooked and not given the seriousness they deserve because they get lumped into the avalanche of cases in which false accusations are a strategy. **SB-174 will actually make this worse as now a parent merely has to claim "fear" to gain an advantage. This will make the false accusation strategy even more prevalent and prevent actual victims from receiving protection.**
9. Many parents cannot even afford to go to Court and fight a hopeless battle of trying to get equal shared parenting time because they've seen countless friends and family members throw away tens of thousands of dollars trying to change a virtually pre-determined outcome. **SB-174 will actually make this worse as even if parents agree to a parenting plan, the Court can impose its own plan (SB-174, Pg 163)**
10. The current preponderance of evidence standard to assign custody is so low that two judges hearing the same case very often would decide a case differently **In SB-174, Courts retain the ability to decide what they think is the "best" scenario for children with no guidance on how to weigh and apply the best interest factors. The lowest standard of preponderance of evidence continues to reign supreme.**

There has to be a default starting point for child custody and parenting schedule. Not only does it make zero sense for that starting point to be anything but equal but it is actively harming children by setting that starting point at such a lopsided schedule.¹ Can you imagine how absurd it would be to have a judge involved with the children of every married parent to dictate that the children see one parent only every other weekend? Then why do we treat children of divorced parents this poorly?

During the May 14, 2025 SB-174 proponent hearing, Senator Manning and Senator Cutrona were asking the right questions:

Question: What are the most common parenting schedules in Ohio's 88 counties?

Answer: Contrary to the vague non-answer of the proponents, it is well documented what the most common local rules are in Ohio. When parents decide to get divorced, children do not decide to get divorced from one parent. However, this is exactly the practice in the majority of Ohio's counties. Currently, approximately 60% of our counties use an outdated every-other weekend schedule pushing one parent out of the child's life.²

¹<https://static1.squarespace.com/static/5e28a95cdc8bed16729b93de/t/63221f76bd37fe2d23cc98d1/1663180662380/Shared+Parenting+Myths+and+Facts.pdf>

² <https://www.sharedparenting.org/ohio-parenting-time-report>

Only one in six current Ohio parenting time orders provide at least 90 overnights annually with each parent³. Less than 1% of Ohio parenting orders provide equal time.

Question: Why not make the standard schedule 50/50 and then deviate if needed?

Answer: Exactly! Despite the proponent's responses: if parents desire a schedule other than 50/50, they can still do that. Obviously in the extreme example discussed during the May 14th hearing, a Court would correctly deviate from the 50/50 default schedule if a parent has not been in the child's life for 10 years.

Question: Will SB-174 change the local parenting schedules to make them more equal?

Answer: Unless the bill requires equal parenting schedules, nothing will change. Unless there are defined and specific weight requirements for applying best interest factors, nothing will change. How do we know this? **There was a document published way back in 2012 by the Supreme Court of Ohio which specifically stated that the every other weekend schedule is appropriate only when a child cannot spend more equal time with parents due to work schedule, geography, a parent is unfit, or a child is not bonded with both parents.**⁴ Obviously, none of this is true for most parents getting divorced. However, this is the very every-other-weekend schedule that has been imposed on children & parents in most counties. Since there was no corresponding law codifying this Supreme Court of Ohio schedule guidance, it has been ignored by Family Courts for 13 years and counting.

Please take 6 minutes of your time to watch the 2018 testimony accurately describing the need for shared parenting. "2018 MN Civil Law hearing - Equal Shared Parenting Best for Kids - Molly K Olson"

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³ 2023 Ohio Child Support Guideline Advisory Council
<https://dam.assets.ohio.gov/image/upload/jfs.ohio.gov/Ocs/employers/2023-Child-Support-Guidelines-Report.pdf> Page 124

⁴ <https://www.supremecourt.ohio.gov/docs/Publications/JCS/parentingGuide.pdf> Schedule 9 on Page 33 of 80

Instruction of when an every other weekend schedule is appropriate from the 2012 Supreme Court of Ohio. Unfortunately, Family Courts have ignored when this is appropriate and used it as the default in most cases.

9

Two consecutive overnights every other week. An additional three- to six-hour period or overnight may be added each week.

Schedules 9 and 10 are for when:

- *The child will spend less time with one parent because of work schedules, living arrangements or great distance between homes, or*
- *The child has not developed a bond with a parent, or*
- *A parent has limited parenting skills, or*
- *The child previously spent most of his or her time with one parent.*