

OPPONENT TESTIMONY – SB 174

TESTIMONY OF Phil Creed

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SENATE JUDICIARY COMMITTEE

OHIO SENATE, 136TH GENERAL ASSEMBLY

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Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson and members of the Ohio Senate Judiciary Committee, thank you for the opportunity to provide opponent testimony on SB325.

My name is Phil Creed, I'm an engineer from Stark County with shared parenting and I strongly urge you to reject this bill.

Politics is said to be downstream of culture. And SB174 is a political action – a bill driven by the culture of Ohio's badly-outdated Domestic Relations Courts trying to hold back the tide of meaningful reform.

It's a culture that shuns the light of discovery or critical examination of its practices. A culture that lobbied against citizen-driven initiatives introduced in the prior two Ohio General Assemblies intended to truly diffuse conflict and prevent children from being needlessly deprived of fit parents. A culture whose countergambit is a cynical, window dressing of Ohio's relevant statutes "non-reform" masquerading as reform.

SB174's proponents proudly talk about "lowering the temperature" by rewording "residential parent" to "designated parent". Merely different words for the same adversarial system that picks a "better" parent among two good parents, relegating countless Ohio children to de-facto single-parent upbringings with statistical headwinds on virtually every socioeconomic measure. People intuitively understand children invariably are the biggest losers if their parents fight.

SB174 offers up a milquetoast statewide public policy to "maximize time with each parent if it's in a child's best interests" to, "enable a child to enjoy a meaningful relationship with both parents or legal custodians."

Borrowing Peter Drucker's famous words, culture eats policy for breakfast. The family law culture has already determined if it's in the child's best interest to maximize parenting time. As of 2023, 45 of Ohio's 88 counties still default to alternating weekends during the school year. Judge Fuller's proponent testimony that Ohio courts are "like 88 little different states doing 88 different things" unintentionally reveals the arbitrary, disparate outcomes of the child-parent

relationship for similarly-situated families.

State Supreme Court Justice Michael Donnelly recently wrote for criminal cases, “the absence of any form of “guardrail” or check on this discretion produces different sentencing outcomes based solely upon the individual proclivities of the judge.” This applies equally to domestic relations courts.

The Supreme Court’s 2000 *Troxel v. Granville* decision rightly noted, “the interest of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court.” Fundamental liberties are things government *presumes* – not determines -- fitness for absent contrary reasons.

The contrast between *Troxell* and SB174 couldn’t be clearer. Instead of codifying parents’ rights, *SB 174 literally crosses them out at every opportunity.*

This is not mere semantics. Children’s natural caregivers are their parents, not the government and The Ohio General Assembly understood this clearly when it deferred to the latter when it passed a “Parents Bill Of Rights” for the classroom. SB174 would differ power to the government. **What value do parents' rights have in a classroom if they're absent in a courtroom?**

Proposed ORC 3109.044 dramatically expands requirements for all parenting plans to the point of court micromanagement, notably requiring parenting plans to detail the frequency and nature of communication between parents and children. This is big government run amok and the perfect avenue for petty litigation springing from how often children text or FaceTime with the other parent.

Current law allows courts to order psychological and psychiatric investigations or the appointment of a GAL “prior to trial” under ORC 3109(C). But SB174 allows a court at its discretion to order psychological, psychological, financial or medical investigations or a guardian ad litem for, “any parenting plan” (3109.0439, 3109.0461). There is nothing “child-centric” about courts arbitrarily ordering intrusive, expensive investigations to amicably divorcing parents who didn’t ask for them.

SB174’s worst provision is the proposed ORC 3109.0412. Court-approved plans are currently, “discretionary with the court” under ORC 3109.04 (D)(1)(B). Appellate rulings cite this and defer *broad discretion* to lower courts but retain the power to reverse particularly egregious rulings.

But SB174’s proposed ORC 3109.0412 states, “The court shall have **complete** discretion over the approval of a parenting plan”. Future appellate proceedings will now cite a domestic relations court’s *complete* discretion instead of its *broad* discretion under ORC 3109.04 (D)(1)(B). Spurious decisions worthy of appellate review – like an abusive parent given custody -- become appeal-proof ironclad dictates. Even agreements made in good faith are at risk. There is nothing “child-centric” about courts that are essentially accountable to no one.

Lastly, for a bill saying it’s, “bringing our family courts into the 21st century”, proposed ORC 3109.071’s “clarifications” on child support are a swing and a miss. Ohio’s badly outdated child

support law still hasn't established a method to determine the presumptive obligor or consistent support orders for cases close to 50/50.

By contrast, all bordering states and 42 states in all *have* joined the 21st Century using rebuttably-presumptive timeshare adjustments to determine the presumptive obligor and more consistent payment amounts with ample judicial oversight for unusual cases.

In short, SB174 is a non-reform dressed as a reform that's firmly cast a vote of, "no confidence" in Ohio's parents. It makes crystal clear three things – (1) only courts know what's best for children, (2) Ohio's Domestic Relations courts have longstanding problems they don't want publicly discussed or scrutinized; thus (3) they are pushing for "complete discretion" to prevent their decisions or newly-expansive powers from being second-guessed.

For the sake of Ohio's children, I urge you to table this bill.

Thank you for your time and am open to answering any questions you may have.

--Phillip J. Creed

SOURCES:

NPO Ohio Parenting Time Report for 2023:

<https://www.sharedparenting.org/ohio-parenting-time-report#:~:text=2023%20Ohio%20Parenting%20Time%20Report,mandated%20local%20parenting%20time%20rule.>

SB174 Proponent Testimony:

<https://ohiochannel.org/video/ohio-senate-judiciary-committee-5-14-2025>