

OPPONENT TESTIMONY – SB 174

TESTIMONY OF ALEXANDER HAAS

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JUDICIARY COMMITTEE

OHIO SENATE, 136TH GENERAL ASSEMBLY

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Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson and members of the Senate Judicial Committee, thank you for the opportunity to provide opponent testimony on SB 174. I regret I was not able to appear in person to provide this testimony but just learned today of the meeting date. I will try to make my written testimony comprehensive as I will be not be at the meeting to field questions.

My name is Alexander Haas, I've been supporting victims of parental alienation and advocating for change in the Family Court system ever since my eyes were opened to it through my own experience with it in 2010. I have lived in Ohio most of my life only leaving for University and the Marine Corps. I'm married now with 7 children with my wife and run a small business with a small chain of coffee-shops I founded in 2003. I have volunteered in my community on city government committees and various community organizations. While I was the primary caretaker for my son of 4 and daughter of 2, I found myself in a position where I needed to try to assert my rights to see those children at all. Realizing the travesty and damages routinely endured by children and parents I set out to improve things out of respect for that most sacred and fundamental bond between parent and child. I co-founded Stark County Parents United, which acts as a support group to parents alienated from their children by actions of the court or the other parent. I am also the Vice President of A Kids Right, a New York based 501c4 advocating to protect a child's right to access their parents. I'm a capable adult and can advocate for myself. Ohio's children cannot advocate for themselves and need to be advocated for. I urge to not pass SB 174 to protect our children.

My opposition to SB 174 is in four forms. One - the rewrites of the law include violations of the Ohio and US Constitution; two - a bill with such far-reaching impacts and varied legal topics and consequences requires the input of more Senate Committees, three - the substantive changes in the bill regarding family rights endanger the bond between parents and children to create more judicial discretion, and less simple clear guidelines for judges to ensure all Ohioans are treated equitably, and

four – the legislative changes are in direct contradiction to the principles outlined in the Ohio Supreme Courts 2005 Family Law Refrom Recommendations.

I. Constitutional Concerns

Substantive and Procedural Due Process

Fundamental parental rights – Parents have a fundamental liberty interest in the care, custody, and management of their children. *Troxel v. Granville*, 530 U.S. 57 (2000). SB 174’s provisions, particularly Sections 3109.0414–0416, allow a court to declare “no parent ... suitable” for custody based on broad criteria and appoint a relative or transfer the case to juvenile court. The bill uses a preponderance-of-the-evidence standard, which is weaker than the “clear and convincing” standard required for termination of parental rights. *Santosky v. Kramer*, 455 U.S. 745 (1982). This raises serious due-process concerns. Legislative modification would likely be needed to increase the evidentiary standard and require explicit findings.

Judicial discretion and deference – Sections 3109.0412 and 3109.03 give the court “complete discretion” over parenting plans and state that the child’s best interest is paramount, with no presumption favoring a fit parent. *Troxel v. Granville*, 530 U.S. 57 (2000). This risks infringing a fit parent’s decision-making rights, as courts cannot treat children as mere creatures of the State or disregard parental judgment without justification. SB 174 may need to reinstate a presumption favoring parental choice or otherwise limit judicial override to comply with constitutional protections.

Ex parte orders and notice – Section 3109.0422 permits temporary parenting orders without an immediate hearing, with a follow-up hearing within 28 days. Procedural due process ordinarily requires prompt notice and opportunity to be heard. Courts may find that 28 days is too long an interim deprivation of custody, suggesting a need for expedited hearings or more stringent notice requirements.

Vague or overbroad standards – Terms like “completely incapable of supporting or caring for the child” and “detrimental to the child” in Section 3109.0416 are vague. Vague statutes may violate due process if they fail to provide fair notice or encourage arbitrary enforcement. These provisions would likely need clearer definitions to withstand constitutional scrutiny.

Equal Protection

Gender and marital status classifications – Section 3109.0424 presumes an unmarried mother is the sole custodian until the court orders otherwise, requiring fathers to initiate proceedings to obtain rights. Section 3109.0426 bars an unmarried mother convicted of sexual battery from custodianship unless “special circumstances” exist. These provisions classify based on sex and marital status, potentially triggering heightened scrutiny under both the U.S. and Ohio Constitutions. Any legislative justification would need to be compelling and narrowly tailored to survive constitutional challenge.

Other classifications – While SB 174 prohibits courts from giving preference based on gender or financial status, the specific provisions above create non-neutral treatment, which may be argued as arbitrary or discriminatory.

Access to Courts and Procedural Safeguards

SB 174 generally preserves court access, including prioritizing appeals (Section 3109.0428). Concerns arise with *ex parte* orders (Section 3109.0422) and restrictions on attorney communication with children (Section 3109.0453), which could impede meaningful participation in custody proceedings.

Modifications may be needed to ensure timely hearings and balanced representation while protecting child welfare.

Family Integrity and Liberty Interests

The bill's comprehensive restructuring of custody law, including mandatory interviews with children (Section 3109.0445) and new constraints on legal custodianship, intrudes into the family sphere. *Santosky v. Kramer*, 455 U.S. 745 (1982); *Troxel v. Granville*, 530 U.S. 57 (2000). Courts may view these provisions as limiting parental discretion excessively. To comply with constitutional protections, the bill should narrowly tailor interventions and preserve deference to fit parents' choices.

Constitutional Concerns Conclusion

SB 174 raises multiple constitutional concerns:

1. **Due process:** Weak evidentiary standards for declaring parental unsuitability and broad judicial discretion over parenting plans.
2. **Equal protection:** Gender- and marital-status-based presumptions and restrictions for unmarried mothers.
3. **Procedural safeguards:** *Ex parte* orders and restrictions on attorney communications may impair parents' rights.

To withstand constitutional scrutiny, SB 174 would need revisions, including higher evidentiary standards, clearer definitions, presumptions favoring fit parents, and removal or narrowing of discriminatory classifications.

II. Legislative Rules and Review

Senate Bill 174 amends numerous sections of the Ohio Revised Code across multiple titles—touching not only domestic relations and custody law, but also education statutes (Chapters 3313 and 3345), juvenile code provisions (Chapter 2151), and sections concerning child support and family services. Under the Ohio Senate's own Rules and long-standing practice, the Rules and Reference Committee is responsible for assigning legislation to standing committees according to subject-matter jurisdiction, and measures that clearly span more than one area of law are eligible for split or joint

referral. Because SB 174 substantively alters statutes within the Education and juvenile welfare domains as well as family law, its exclusive referral to the Judiciary Committee conflicts with the Senate's mandate to ensure that legislation receives thorough review by the appropriate subject-matter committees. Other standing committees have jurisdictional oversight over legislation in this bill and their valuable input is also needed for a bill altering the states control of a child's access to their parent. . For this reason, proper legislative process and rule compliance require that SB 174 also be referred to the Education Committee and any committee responsible for juvenile or child-welfare statutes before further action is taken.

III. Substantive Concerns

Ohio SB 174 radically overhauls child-custody law by mandating detailed parenting plans, broadening "best interest" factors, and dramatically increasing court involvement in private family decisions. In practice, the bill grants judges complete discretion to approve or reject any agreed plan, requires courts to interview children (with parents often excluded), and even forbids parents' lawyers from discussing custody with their own child. These provisions undermine parents' legitimate authority and autonomy, spark needless conflict, and introduce serious risks of harm to family bonds.

Undermining Parental Authority and Caregiving Role

SB 174 supplants parents' judgment by shifting routine parenting decisions from the home into the courtroom. Research on parent-child attachment emphasizes that children need consistent, nurturing caregivers as a "secure base" to develop normally. A loving bond forms the foundation of a child's sense of being loved and valued. When judges can arbitrarily alter agreed schedules or parenting duties, children may see their parent's guidance as untrustworthy or secondary to the state's will. Attachment theory warns that inconsistent caregiving or abrupt changes in parental roles can create insecure attachment patterns with enduring effects. By replacing the familiar language of "custody" with abstract "parenting responsibilities," the bill risks confusing children about who is in charge, eroding the very parent-child bond it claims to protect.

Increased Family Conflict and Litigation

Extensive studies and policy analyses show that sweeping custody reforms often increase short-term conflict and court battles. Any major legal overhaul tends to create uncertainty that drives up litigation. Mandatory shared-parenting rules or detailed planning requirements can spark more disputes, not fewer. SB 174 requires parents to submit lengthy parenting plans and allows judges to demand changes or order transfers of custody to relatives if a parent is deemed "unsuitable." This centralizes conflict in court: even cooperative parents might argue heatedly over plan details, knowing a judge could wipe out their agreement. Paradoxically, SB 174's child-centered rhetoric may invite strategic maneuvering—parents might be less willing to compromise if courts can intervene on a wide range of issues. Undoubtedly, poorer families will bear the brunt of the bill's new procedural demands. Wealthier parents can afford legal counsel and experts to navigate complex parenting plans, while low-income families would struggle.

Judicial Micromanagement of Family Life

SB 174 effectively invites judges to micromanage routine parenting arrangements. Under current Ohio law, courts generally decide only who a child lives with and basic parenting time. By contrast, SB 174 replaces these broad categories with dozens of specific “parenting responsibilities” (education, health care, daily schedule, etc.) that courts must allocate. Judges then have complete discretion over approving any plan and can even require parents to submit written questions for a child interview. Domestic courts in other jurisdictions have lamented this kind of micromanagement, noting that trivial disputes about daily arrangements waste resources and create unnecessary tension. SB 174 risks turning every parenting detail into a legal battle, stripping parents of freedom to resolve minor issues themselves, undermining confidence and autonomy in the family unit.

Psychological Risks to Children

Psychologists agree that confusing or conflict-ridden custody processes can harm children. A secure, stable parent–child relationship is the bedrock of a child’s emotional well-being. When legal battles disrupt that security, children can experience anxiety, confusion, and divided loyalties. Repeated disruptions or adversarial custody disputes often leave lasting scars. If a child is shuffled into court-ordered meetings with judges or social workers, they may worry about disappointing one parent or fear retribution. Restrictions on children speaking freely with their parents’ attorneys, as required under SB 174, can make children feel powerless or unheard in decisions that profoundly affect them. By treating children as passive objects of a legal process rather than active family members, SB 174 risks leaving them insecure and uncertain about who will protect them.

Unethical Power Dynamics and Strategic Abuse

SB 174’s broad authority creates opportunities for exploitation. By expanding judges’ best-interest factors and discretionary powers, the bill arms court appointees with greater influence over families without clear accountability. A single unproven claim of unfitness could prompt a judge to place a child with relatives or severely restrict a parent’s rights. This opens the door to “punishment by process”: a parent might make or threaten allegations knowing the court can overhaul custody on flimsy grounds. Court-ordered child interviews and attorneys for children, while well-intentioned, could also backfire: advocates may impose adult agendas on a child’s situation. Ultimately, the bill tilts the balance of power away from parents and toward state actors, risking overreach.

Comparative Lessons

Other jurisdictions have faced similar issues. Analyses of parental-responsibility models note that mandatory parenting plans and terminology changes often create high initial litigation and raise unfulfilled expectations. They stress that no single model of post-separation parenting fits all children, so rigid plans may harm some families. In practice, overly formulaic laws have sometimes led to absurd court orders and frustrated families. By contrast, research suggests the healthiest outcomes come from cooperative, flexible parenting arrangements tailored by the parents themselves—not from courts dictating every detail.

Substantive Concerns Conclusion

SB 174 advances an intrusive, one-size framework that could undercut trust and stability in fit families. It places private parenting disputes squarely in the hands of judges and court-appointed actors, inviting conflict and confusion. By sidelining parents' judgment in favor of elaborate court control, SB 174 risks damaging the very parent–child bonds it seeks to preserve. Ethical concerns and social science caution that this approach will not protect children, but rather strain relationships, elevate stress, and introduce unforeseen harms. SB 174 endangers instead of empowers Ohio's families.

IV. Principle Violations of the Ohio Supreme Court's 2005 Family Law Reform Recommendations

Ohio Senate Bill 174 (SB 174) introduces significant changes to child custody laws, including expanded judicial discretion, mandatory parenting plans, and court-ordered child interviews. These provisions raise ethical concerns regarding the potential erosion of the parent–child bond, particularly when both parents are fit and involved. SB 174's approach conflicts with several key principles outlined in the report.

1. Minimization of Court Intervention

The 2005 report emphasizes the importance of minimizing court intervention in family matters, advocating for approaches that reduce adversarial proceedings and promote family autonomy. SB 174's provisions, such as mandatory parenting plans and court-ordered child interviews, increases judicial involvement in routine family decisions, potentially escalating conflict rather than resolving it.

2. Support for Parental Responsibility and Cooperation

The report highlights the need to support and encourage parental responsibility and cooperation, suggesting that laws should facilitate parents working together in the best interests of their children. SB 174's emphasis on detailed judicial oversight and the potential for court-mandated changes to parenting arrangements could undermine parental authority and cooperation, fostering an environment of dependency on the court system.

3. Protection of Children from Harmful Practices

Ensuring that children are protected from harmful practices is a cornerstone of the 2005 recommendations. SB 174's approach could inadvertently harm children by introducing instability and confusion into their lives through increased court involvement and potential disruptions to established parenting arrangements.

4. Promotion of Alternative Dispute Resolution

The report advocates for the promotion of alternative dispute resolution methods, such as mediation, to resolve family disputes without resorting to litigation. SB 174's provisions would limit the use of such methods by imposing rigid structures and timelines, reducing opportunities for parents to resolve conflicts amicably.

V. Conclusion

In light of the Ohio Supreme Court's 2005 recommendations, SB 174's approach to family law reform does not align with the principles of minimizing court intervention, supporting parental cooperation, protecting children from harm, and promoting alternative dispute resolution. While the bill aims to address important issues in family law, its provisions would be counter-productive to the stability and health of Ohio families while at the same time violating multiple constitutional and procedural provisions.

Mr. Chairman and members of the committee, thank you again for allowing me to provide testimony on SB 174 and I urge you to uphold the Constitution and safeguard the bonds between Ohio's parent's and children by voting no to SB 174.

A handwritten signature in black ink, appearing to read "Alexander J. Haas". The signature is fluid and cursive, with the first name "Alexander" being the most prominent part.

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