

## OPPONENT TESTIMONY – SB 174

### TESTIMONY OF David Roy Ayers

Parent

PHONE: (419) 266-3240, EMAIL: Davidroyengineer@gmail.com

### 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 Judiciary Committee:

I am David Ayers from Bowling Green, Ohio, and I am here under the most Nobel title someone can receive and that is the title of parent. This title imposes great responsibility on the one that carries it. This title also gains rights, liberties, and protections from the hands of the State. Protection of these rights and liberties is something significantly lacking in our current laws and the reason why many parents are here today

Thank you for the opportunity to provide opponent testimony on Senate Bill 174. While the bill purports to modernize Ohio's family law statutes, its provisions significantly infringe on parental rights, expand judicial discretion without sufficient oversight, and introduce systemic inconsistencies that are cause for serious concern.

#### **1. Violation of Fundamental Parental Rights**

SB 174 redefines "parental rights" as "parental responsibilities" and grants courts sweeping discretion to override decisions made by fit parents. This shift ignores longstanding constitutional precedent that recognizes the fundamental right of parents to direct the upbringing of their children without unwarranted government interference. In *Troxel v. Granville*, 530 U.S. 57 (2000), the U.S. Supreme Court reaffirmed that "[t]he liberty interest at issue... is perhaps the oldest of the fundamental liberty interests recognized by this Court." SB 174 threatens this liberty by authorizing courts to impose their judgment over that of fit parents—even in intact families

## **2. Unconstrained Judicial Discretion**

The bill removes clear starting presumptions and fails to establish meaningful standards for how courts should apply expanded “best interest of the child” factors. Courts would be permitted to deny equal parenting time—even when both parents request it—based purely on discretionary judgment, requiring only a “preponderance of evidence” standard. This opens the door to subjective decisions based on personal biases, rather than evidence-based findings of unfitness or harm.

## **3. Discriminatory and Ambiguous Language**

SB 174 introduces vague and discriminatory terms such as “unsuitable” parents without defining objective criteria. The bill allows a parent’s parenting time to be restricted if the other party merely expresses “fear” of harm, again under a low evidentiary threshold. This incentivizes unfounded allegations and undermines the rights of noncustodial parents, particularly never-married fathers who, under this bill, would be barred from filing for custody at all.

## **4. Negative Fiscal and Legal Consequences**

According to the Legislative Service Commission, SB 174 will increase administrative burdens and costs on Ohio’s courts and child support agencies. These include higher demands for guardians ad litem, expert witnesses, additional hearings, and increased case reviews—many of which will be at the expense of parents or taxpayers.

## **5. Conflicts with Federal and State Law**

SB 174 appears to conflict with federal statutes such as the Family Educational Rights and Privacy Act (FERPA), disrupts tax and residency classifications due to the replacement of “residential parent” with “designated parent,” and contradicts established protections for military parents during deployment.

## **6. Undermining Shared Parenting and Equal Protection**

This bill effectively repeals the concept of shared parenting in Ohio law. By allowing courts to deny equal parenting time without cause, SB 174 violates equal protection principles and diminishes the child’s right to meaningful involvement with both parents. Social science consistently shows that children thrive with equal access to both parents absent abuse or neglect.

## **Conclusion**

While the intent to improve Ohio’s family law system is appreciated, SB 174 is deeply flawed in its approach. It sacrifices parental autonomy, promotes legal inconsistency, and imposes costly mandates on families and the court system. This bill does not modernize family law—it regresses it.

I urge this committee to reject SB 174 or to significantly revise it to align with constitutional principles, evidence-based practices, and the rights of Ohio families.

Thank you.