

October 8, 2025

Ohio State Senate Judiciary Committee of the 136<sup>th</sup> General Assembly

Testimony in Opposition to Senate Bill 174

Chairman Manning, Vice Chair Reynolds, and Ranking Member Hicks-Hudson, thank you for the opportunity to provide testimony in opposition to Senate Bill 174. My name is Michael McNeese, I'm from Fairfield County, Ohio, husband, dad of three, and stepdad of three more, speaking today in strong opposition to Senate Bill 174. James Madison warned in the Federalist Papers that "the accumulation of all powers... in the same hands... may justly be pronounced the very definition of tyranny." Yet here, in this chamber, we are confronted a bill drafted not by elected legislators accountable to the voters, but by active members of the judiciary, supposedly sworn to impartial adjudication. While the bill's provisions—granting family court judges unchecked "complete discretion," supplanting "parental rights" with mere "responsibilities," and imposing other dangerous and sweeping changes—raise grave concerns for families across Ohio, my testimony centers on a more foundational violation: the bill's authorship by active members of the judiciary, which strikes at the heart of our Constitutional order and exemplifies a troubling pattern of judicial overreach.

The Separation of Powers Doctrine, enshrined in Article II, Section 1, and Article III of the Ohio Constitution, and echoed in the foundation of the United States Constitution, is NOT a suggestion—it's the bedrock of our self-governance. It divides government into three co-equal branches: the legislative to write laws, the executive to enforce them, and the judiciary to interpret them. This sacred division prevents tyranny, ensures accountability, and protects the people from the concentration of power in any one set of hands.

When judges author legislation like SB 174, the lines blur irreparably. They have shaped this bill to expand judicial authority, empowering courts with "complete discretion" over family matters that touch the lives of our most vulnerable: OUR children. This is a tyrannical judicial power grab, disguised as reform. Legislation demands public debate, expert testimony, and the rough-and-tumble of representative governance. Judges, by contrast, are to operate in the insulated world of a courtroom, bound by precedent and impartiality. By introducing bills authored by the judiciary, we invite bias into the process—personal philosophies on family dynamics, unvetted by the electorate, codified into law without the transparency our founders demanded. This erodes parents' rights, replacing them with judicial fiat.

Further, the national trend is TOWARD common sense equal shared parenting laws. Equal shared parenting legislation has been enacted by our neighbors in Kentucky and West Virginia, as well as Missouri, Arkansas, and Florida. Almost 30 more states have active legislation to make equal shared parenting the standard in their respective domestic courts. Not to mention that more than 80% of Ohioans support equal shared parenting laws. But, here, with SB 174, Ohio would go the OPPOSITE direction, towards an authoritarian heavy hand approach at controlling Ohio's children and families. The states with equal shared parenting laws are reaping rewards, with lower incidences of domestic violence, child abuse, and even decreasing numbers of filings for divorce. Why on earth would the judges NOT want Ohio to realize those benefits?

Finally, I urge you to consider that the Ohio State Bar Association, as an organization, does NOT actually support SB 174. During the Ohio State Bar Association's Family Law Committee meeting held on May 1, 2025, SB 174 was the main topic of discussion. A member of the committee was giving their thoughts on the bill, with such comments as "this is not an improvement on current law," and they eventually made a motion to "oppose this bill." The motion was seconded. Then, OSBA lobbyist Scott Lundregan interrupts official procedure to tell the committee that the Bar already supports this bill, even though they could not find the meeting records to support that claim. So, the OSBA broke procedure, and a standing motion to NOT SUPPORT SB 174 was squelched. I encourage you to read more in the evidence I've included in my written testimony.

I welcome any questions.

the treasurer of state. The treasurer of state shall deposit such unspent moneys into the children's trust fund to be spent for purposes consistent with the state plan adopted under section 3109.17 of the Revised Code.

(D) Applications for grants from the children's trust fund shall be on forms prescribed by the department of ~~human~~ job and family services and, after any review required by division (B) of this section, shall be submitted to the children's trust fund board by the date required in the schedule established by rules adopted by the board. Each application shall include at least the following:

(1) Information showing that the applicant meets the eligibility requirements of section 3109.17 of the Revised Code;

(2) If the applicant is a corporation, a list of the trustees of the corporation;

(3) A specification of the amount of money requested;

(4) A summary of the program that the applicant intends to provide with funds from the grant;

(5) Any other information required by rules adopted by the children's trust fund board.

Each recipient of a grant from the children's trust fund shall file two copies of an annual report with the county or district advisory board. If no such board serves the recipient's county of residence, the recipient shall file two copies of an annual report with the children's trust fund board. The annual report shall describe the program provided by the recipient, indicate the manner in which the grant funds were expended, include the results of an independent audit of the funds, and include other information that the granting board or the department may require. If a public agency is a recipient of a grant, the results of the most recent audit of the funds conducted under Chapter 117. of the Revised Code shall be considered to be the results of the independent audit of the funds that must be included in the annual report. The granting boards shall annually file one copy of each annual report with the department, which shall compile the reports received pursuant to this section.

This section is an interim section effective until January 1, 2001.

Sec. 3109.401. (A) The general assembly finds the following:

(1) That the parent and child relationship is of fundamental importance to the welfare of a child, and that the relationship between a child and each parent should be fostered unless inconsistent with the child's best interests;

(2) That parents have the responsibility to make decisions and perform other parenting functions necessary for the care and growth of their children;

(3) That the courts, when allocating parenting functions and

sponsibilities with respect to the child in a divorce, dissolution, legal separation, annulment, or any other proceeding addressing the allocation of parental rights and responsibilities, must determine the child's best interests;

(4) That the courts and parents must take into consideration the following general principles when allocating parental rights and responsibilities and developing appropriate terms for parenting plans:

(a) Children are served by a parenting arrangement that best provides for a child's safety, emotional growth, health, stability, and physical care.

(b) Exposure of the child to harmful parental conflict should be minimized as much as possible.

(c) Whenever appropriate, parents should be encouraged to meet their responsibilities to their children through agreements rather than by relying on judicial intervention.

(d) When a parenting plan provides for mutual decision-making responsibility by the parents but they are unable to make decisions mutually, they should make a good faith effort to utilize the mediation process as required by the parenting plan.

(e) In apportioning between the parents the daily physical living arrangements of the child and the child's location during legal and school holidays, vacations, and days of special importance, a court should not impose any type of standard schedule unless a standard schedule meets the needs of the child better than any proposed alternative parenting plan.

(B) It is, therefore, the purpose of Chapter 3109. of the Revised Code, when it is in the child's best interest, to foster the relationship between the child and each parent when a court allocates parental rights and responsibilities with respect to the child in a divorce, dissolution, legal separation, annulment, or any other proceeding addressing the allocation of parental rights and responsibilities.

(C) There is hereby created the task force on family law and children consisting of twenty-four members. The Ohio state bar association shall appoint three members who shall be attorneys with extensive experience in the practice of family law. The Ohio association of domestic relations judges shall appoint three members who shall be domestic relations judges. The Ohio association of juvenile and family court judges shall appoint three members who shall be juvenile or family court judges. The chief justice of the supreme court shall appoint eight members, three of whom shall be persons who practice in the field of family law mediation, two of whom shall be persons who practice in the field of child psychology, one of whom shall be a person who represents parent and child advocacy organizations, one of whom shall be a person who provides parenting education services,

and one of whom shall be a magistrate employed by a domestic relations or juvenile court. The speaker of the house of representatives shall appoint two members who shall be members of the house of representatives and who shall be from different political parties. The president of the senate shall appoint two members who shall be members of the senate and who shall be from different political parties. The governor shall appoint two members who shall represent child caring agencies. One member shall be the director of ~~human~~ job and family services or the director's designee. The chief justice shall designate one member of the task force to chair the task force.

The appointing authorities and persons shall make appointments to the task force on family law and children within thirty days after the effective date of this section. Section 101.84 of the Revised Code does not apply to the task force.

(D) The task force on family law and children shall do all of the following:

(1) Appoint and fix the compensation of any technical, professional, and clerical employees and perform any services that are necessary to carry out the powers and duties of the task force on family law and children. All employees of the task force shall serve at the pleasure of the task force.

(2) By December 31, 1999, submit to the speaker and minority leader of the house of representatives and to the president and the minority leader of the senate a report of its findings and recommendations on how to create a more civilized and constructive process for the parenting of children whose parents do not reside together. The recommendations shall propose a system to do all of the following:

(a) Put children first;

(b) Provide families with choices before they make a decision to obtain or finalize a divorce, dissolution, legal separation, or annulment;

(c) Redirect human services to intervention and prevention, rather than supporting the casualties of the current process;

(d) Avoid needless conflict between the participants;

(e) Encourage problem solving among the participants;

(f) Force the participants to act responsibly;

(g) Shield both the participants and their children from lasting emotional damage.

(3) Gather information on and study the current state of family law in this state;

(4) Collaborate and consult with entities engaged in family and children's issues including, but not limited to, the Ohio association of child caring agencies, the Ohio family court feasibility study, and the Ohio courts

futures commission;

(5) Utilize findings and outcomes from pilot projects conducted by the Ohio family court feasibility study to explore alternatives in creating a more civilized and constructive process for the parenting of children whose parents do not reside together with an emphasis on the areas of mediation and obtaining visitation compliance.

(E) Courts of common pleas shall cooperate with the task force on family law and children in the performance of the task force's duties described in division (D) of this section.

Sec. 3111.03. (A) A man is presumed to be the natural father of a child under any of the following circumstances:

(1) The man and the child's mother are or have been married to each other, and the child is born during the marriage or is born within three hundred days after the marriage is terminated by death, annulment, divorce, or dissolution or after the man and the child's mother separate pursuant to a separation agreement.

(2) The man and the child's mother attempted, before the child's birth, to marry each other by a marriage that was solemnized in apparent compliance with the law of the state in which the marriage took place, the marriage is or could be declared invalid, and either of the following applies:

(a) The marriage can only be declared invalid by a court and the child is born during the marriage or within three hundred days after the termination of the marriage by death, annulment, divorce, or dissolution;

(b) The attempted marriage is invalid without a court order and the child is born within three hundred days after the termination of cohabitation.

(3) The man and the child's mother, after the child's birth, married or attempted to marry each other by a marriage solemnized in apparent compliance with the law of the state in which the marriage took place, and either of the following occurs:

(a) The man has acknowledged his paternity of the child in a writing sworn to before a notary public;

(b) The man is required to support the child by a written voluntary promise or by a court order.

(4) An acknowledgment of paternity filed with the division of child support in the department of ~~human job and family~~ services becomes final pursuant to section 2151.232, 3111.211, or 5101.314 of the Revised Code.

(5) A court or administrative body, pursuant to section 3111.09, 3111.22, or 3115.52 of the Revised Code or otherwise, has ordered that genetic tests be conducted or the natural mother and alleged natural father voluntarily agreed to genetic testing pursuant to former section 3111.21 of

the Revised Code to determine the father and child relationship and the results of the genetic tests indicate a probability of ninety-nine per cent or greater that the man is the biological father of the child.

(B)(1) A presumption arises under division (A)(3) of this section regardless of the validity or invalidity of the marriage of the parents. A presumption that arises under this section can only be rebutted by clear and convincing evidence that includes the results of genetic testing, except that a presumption that arises under division (A)(1) or (2) of this section is conclusive as provided in division (A) of section 3111.37 of the Revised Code and cannot be rebutted. If two or more conflicting presumptions arise under this section, the court shall determine, based upon logic and policy considerations, which presumption controls. If a determination described in division (B)(3) of this section conflicts with a presumption that arises under this section the determination is controlling.

(2) Notwithstanding division (B)(1) of this section, a presumption that arises under division (A)(4) of this section may only be rebutted as provided in division (B)(2) of section 5101.314 of the Revised Code.

(3) Notwithstanding division (A)(5) of this section, a final and enforceable determination finding the existence of a father and child relationship pursuant to former section 3111.21 or section 3111.22 of the Revised Code that is based on the results of genetic tests ordered pursuant to either of those sections, is not a presumption.

(C) A presumption of paternity that arose pursuant to this section prior to ~~the effective date of this amendment~~ January 1, 1998, shall remain valid on and after that date unless rebutted pursuant to division (B) of this section. This division does not apply to a determination described in division (B)(3) of this section.

Sec. 3111.06. (A) The juvenile court has original jurisdiction of any action authorized under sections 3111.01 to 3111.19 of the Revised Code. An action may be brought under those sections in the juvenile court of the county in which the child, the child's mother, or the alleged father resides or is found or, if the alleged father is deceased, of the county in which proceedings for the probate of the alleged father's estate have been or can be commenced, or of the county in which the child is being provided support by the county department of ~~human~~ job and family services of that county. An action pursuant to sections 3111.01 to 3111.19 of the Revised Code to object to an administrative order issued pursuant to former section 3111.21 or section 3111.22 of the Revised Code determining the existence or nonexistence of a parent and child relationship that has not become final and enforceable, may be brought only in the juvenile court of the county in

ich the child support enforcement agency that issued the order is located. If an action for divorce, dissolution, or legal separation has been filed in a court of common pleas, that court of common pleas has original jurisdiction to determine if the parent and child relationship exists between one or both of the parties and any child alleged or presumed to be the child of one or both of the parties.

(B) A person who has sexual intercourse in this state submits to the jurisdiction of the courts of this state as to an action brought under sections 3111.01 to 3111.19 of the Revised Code with respect to a child who may have been conceived by that act of intercourse. In addition to any other method provided by the Rules of Civil Procedure, personal jurisdiction may be acquired by personal service of summons outside this state or by certified mail with proof of actual receipt.

Sec. 3111.07. (A) The natural mother, each man presumed to be the father under section 3111.03 of the Revised Code, each man alleged to be the natural father, and, if the party who initiates the action is a recipient of public assistance as defined in section 3111.04 of the Revised Code or if the responsibility for the collection of support for the child who is the subject of the action has been assumed by the child support enforcement agency under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, the child support enforcement agency of the county in which the child resides shall be made parties to the action brought pursuant to sections 3111.01 to 3111.19 of the Revised Code or, if not subject to the jurisdiction of the court, shall be given notice of the action pursuant to the Rules of Civil Procedure and shall be given an opportunity to be heard. The court may align the parties. The child shall be made a party to the action unless a party shows good cause for not doing so. Separate counsel shall be appointed for the child if the court finds that the child's interests conflict with those of the mother.

If the person bringing the action knows that a particular man is not or, based upon the facts and circumstances present, could not be the natural father of the child, the person bringing the action shall not allege in the action that the man is the natural father of the child and shall not make the man a party to the action.

(B) If an action is brought pursuant to sections 3111.01 to 3111.19 of the Revised Code and the child to whom the action pertains is or was being provided support by the department of ~~human~~ job and family services, a county department of ~~human~~ job and family services, or another public agency, the department, county department, or agency may intervene for purposes of collecting or recovering the support.

**Ohio Task Force  
on  
Family Law and Children**

**Family Law Reform:  
Minimizing Conflict,  
Maximizing Families**

**"People who are willing to create a life should be willing to take care of it and support it. It's like when I was in ceramics class, there were steps to getting a piece of pottery complete. First, you have to make sure that there are no bubbles in the clay or else it's gonna blow up in the kiln and then you have to make sure that there are no bubbles in the glaze, wait for the glaze to dry and set it in the kiln just right. I think that parents should be willing to put it in for the long run and take time with their pottery and they should be willing to go through every step to assist that pottery so that it comes out as the best possible piece of art." -- *Joseph, age 17***

June 20, 2001

The Hon. Richard H. Finan  
President of the Senate  
Statehouse, Room 210, 2<sup>nd</sup> Floor  
Columbus, Ohio 43215

The Hon. Larry Householder  
Speaker of the House of Representatives  
77 South High Street  
14<sup>th</sup> Floor  
Columbus, Ohio 43266-0603

Dear Senator Finan and Speaker Householder:

Ohio, like every state in America, is home to numerous children who do not reside with both parents. Unique challenges face parents who raise children in separate homes, not the least of which is determining when, where and with whom the children will reside. The adversarial process currently pits parents against each other in a battle to determine who will raise their children. The 122<sup>nd</sup> General Assembly realized that, for far too long, the gender wars have been fought in our Domestic Relations court rooms, and that the primary casualties have been our children.

Recognizing that children and families are better served when paramount importance is placed on the needs of children and the responsibilities of the adults who care for them, and that both parents need to be parents, no matter where the child is living, the General Assembly created The Ohio Task Force on Family Law and Children. This group is charged with the responsibility for researching the state of family law in Ohio and making recommendations for enhancements to our processes that will put children first, ensure that families have choices during the divorce and dissolution process, minimize conflict, and emphasize problem solving.

In January of 1999, twenty-four individuals from nine different disciplines were selected to perform this work by the Chief Justice of the Supreme Court of the State of Ohio, Governors Voinovich and Taft, the Ohio Association of Domestic Relations Judges, the Ohio Association of Juvenile and Family Judges, the Ohio State Bar Association, the Speaker of the House of Representatives and the President of the Senate. For the first six months of 1999 the group met, without a budget or staff, and began an examination of our legal and social service systems that serve Ohio's children whose parents do not reside together. In July of 1999, the General Assembly provided funding, so staff could be hired and a comprehensive research effort could be undertaken. Originally, the deadline for the Task Force report was December 31, 1999.

However, given the scope and importance of the project, the General Assembly extended this deadline, to allow this research effort to be advanced more fully.

More than two dozen experts from around the state and across the country presented testimony to the Task Force over a six-month period. Representatives from a variety of parents' organizations, as well as a panel of teens who had experienced their parents' divorces, brought their unique concerns to the Task Force. Staff members obtained research articles and statutes from around the nation and the globe to find the latest policies and practices. Members of the Task Force traveled to Phoenix, Arizona, to meet with staff at the Maricopa County Court system, a nationally recognized leader in court services and pro se programs, and to conferences sponsored by the Association of Family and Conciliation Courts, an internationally acclaimed organization which provides research and programs for professionals dealing with families in conflict.

At the end of the information gathering process, the Task Force examined all of the information obtained with one goal in mind, enhancing the well being of Ohio's children and families in a fiscally efficient and responsible way. Ideas were discussed and debated, and suggested statutory language created. The Task Force focused on the idea that Ohio's legal and social service institutions should minimize conflict between parents and protect children from the effects of their parents' conflicts, while providing opportunities and support to parents as they continue to be parents to their children, regardless of family structure. The following report and recommendations are the result of this extensive research effort and debate and have been unanimously approved, without any abstentions or dissents, by official action of the 17 members of the Task Force present at the final meeting on June 1, 2001.

Respectfully Submitted,

Rosemary G. Rubin, Esq.  
Chair

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**Fwd: H.B. 508 Referral Request [EXTERNAL]**

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Elizabeth McNeese <elizabethmcneese@sharedparenting.org>  
To: Elizabeth McNeese <elizabethmcneese@sharedparenting.org>

Tue, Dec 10, 2024 at 12:21 PM

On Tue, Dec 10, 2024 at 12:20 PM Elizabeth McNeese <elizabethmcneese@sharedparenting.org> wrote:

**From:** "Welch, Shawn" <Shawn.Welch@sc.ohio.gov>  
**Date:** January 13, 2022 at 9:43:49 AM EST  
**To:** "Blessing, Heather" <Heather.Blessing@ohiohouse.gov>  
**Cc:** "Crum, Dwight" <Dwight.Crum@ohiohouse.gov>  
**Subject:** Re: H.B. 508 Referral Request [EXTERNAL]

Thanks for responding, Heather. If you need anything else from us, Dwight, please let me know. Thank you both for your consideration of our request.

-Shawn



**Shawn Patrick Welch**  
**Deputy Legislative Counsel**  
**Ohio Judicial Conference**  
65 South Front Street, 4th Floor  
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[shawn.welch@sc.ohio.gov](mailto:shawn.welch@sc.ohio.gov)

---

**From:** [Heather.Blessing@ohiohouse.gov](mailto:Heather.Blessing@ohiohouse.gov)  
<[Heather.Blessing@ohiohouse.gov](mailto:Heather.Blessing@ohiohouse.gov)>  
**Sent:** Thursday, January 13, 2022 9:39 AM  
**To:** Welch, Shawn <[Shawn.Welch@sc.ohio.gov](mailto:Shawn.Welch@sc.ohio.gov)>  
**Cc:** [Dwight.Crum@ohiohouse.gov](mailto:Dwight.Crum@ohiohouse.gov)  
<[Dwight.Crum@ohiohouse.gov](mailto:Dwight.Crum@ohiohouse.gov)>  
**Subject:** RE: H.B. 508 Referral Request [EXTERNAL]

Dear Mr. Welch:

Thank you for sharing the support of the Ohio Judicial Conference for referring HB 508 to the House Civil Justice Committee. I am copying Dwight Crum, our legislative director, on this email so that he is aware as well.

Sincerely,

Heather Blessing

\*\*\*

Heather N. Blessing, Esq.

Deputy Chief Legal Counsel, Office of the Speaker

Ohio House of Representatives

77 S. High Street Columbus,

14<sup>th</sup> Floor, Ohio 43215

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Heather.Blessing@ohiohouse.gov

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**From:** Welch, Shawn <[Shawn.Welch@sc.ohio.gov](mailto:Shawn.Welch@sc.ohio.gov)>

**Sent:** Thursday, January 13, 2022 8:56 AM

**To:** Blessing, Heather <[Heather.Blessing@ohiohouse.gov](mailto:Heather.Blessing@ohiohouse.gov)>

**Subject:** H.B. 508 Referral Request

Heather-

Hello. I wanted to reach out on behalf of the domestic relations and juvenile judges to request to have H.B. 508, the Equal Parenting Presumption Bill, referred to the Civil Justice Committee. We have concerns that are primarily legal in nature involving the bill's "clear and convincing evidence" standard of review and new "detrimental to the child" standard. We believe the bill's changes would be best

considered by the Civil Justice members. I am drafting a letter to the sponsors outlining our concerns. In the meantime, please let me know if need anything else from us. Thanks!

-Shawn



## Shawn Patrick Welch

Deputy Legislative Counsel

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[shawn.welch@sc.ohio.gov](mailto:shawn.welch@sc.ohio.gov)

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**Fwd: OJC, Custody Bill [EXTERNAL]**

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**Elizabeth McNeese** <elizabeth@echopro.net>  
To: Elizabeth McNeese <elizabethmcneese@sharedparenting.org>

Thu, Mar 24, 2022 at 10:09 AM

**Elizabeth McNeese**  
Managing Partner & Executive Producer  
Echo Productions | Echo Films  
m: 614.266.5088  
email: [elizabeth@echopro.net](mailto:elizabeth@echopro.net)



----- Forwarded message -----  
From: **Welch, Shawn** <[Shawn.Welch@sc.ohio.gov](mailto:Shawn.Welch@sc.ohio.gov)>  
Date: Mon, Mar 21, 2022 at 8:26 AM  
Subject: Re: OJC, Custody Bill [EXTERNAL]  
To: Elizabeth McNeese <[elizabeth@echopro.net](mailto:elizabeth@echopro.net)>

Hi Elizabeth. I've attached the latest draft. As you can see, it's dated January 21st. We have since sent amendment suggestions to LSC and await an updated draft any day. When we get the new draft, I'll forward it as well. I believe there are some overlapping concepts between HB 508 and this bill for all of us to think about. Thanks!

-Shawn



**Shawn Patrick Welch**  
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**From:** Elizabeth McNeese <[elizabeth@echopro.net](mailto:elizabeth@echopro.net)>  
**Sent:** Thursday, March 17, 2022 4:57 PM

**To:** Welch, Shawn <[Shawn.Welch@sc.ohio.gov](mailto:Shawn.Welch@sc.ohio.gov)>  
**Subject:** OJC, Custody Bill [EXTERNAL]

Sean- can you send me the bill the Judges have been working on? You'd mentioned it on the call and I'd love to see it and see if there's something we can work through with them- together?

Feel free to call my cell or email me with questions.

Thanks  
Elizabeth McNeese  
614-266-5088

**CAUTION:** This email originated from outside of the court. The actual "from" email address is [elizabeth@echopro.net](mailto:elizabeth@echopro.net).  
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 **FLRI Bill Draft 01-21-2022.pdf**  
852K



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# Family Law

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## FLRI/3109.04 Bill

➤  **Deborah McPartlin, Esq** 03-31-2022 14:14

 [Dear Members of the Committee: The 3019.04/FLRI bill has been revised. I have attached hereto the newest, ...](#)


1. FLRI/3109.04 Bill 

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[Deborah McPartlin, Esq](#)

Actions ▼

Posted 03-31-2022 14:14 |  [view attached](#)

Reply ▼

Dear Members of the Committee:

The 3019.04/FLRI bill has been revised. I have attached hereto the newest, most recent version of the FLRI Bill. The OJC believes this version will be introduced as soon as this week or next.

As a reminder to the Committee, this bill is the bill that our committee has been a part of (in contrast to HB508). It also contains the approved OSBA proposal (from our committee) re: unsuitability and I believe (I have not yet reviewed this latest version) that there is talk of also being

able to tie the *Castle* extension language (from our committee) to this.

Further, because we oppose HB508 as a committee, I want to reiterate how important it is for our state, the children of our state, our practitioners, our committee and to the Bar at-large that we get through and vote on the FLRI draft through our committee at our next meeting on May 6, 2022.

**Please come prepared to discuss it and vote on whether we support it as a committee.**

Shawn Welch, Kyana Pierson and Scott Lundregan all plan to be in appearance at the meeting for further discussion. I believe Judge McColley may also be able to address any questions. Thank you everyone for your attention to this proposed bill!

If you cannot make the meeting, Shawn Welch, as he did at our last meeting, indicated that you can send him any questions/concerns directly. His email is [shawn.welch@sc.ohio.gov](mailto:shawn.welch@sc.ohio.gov).

As always, please do not hesitate to reach out with any questions or concerns in the meantime. Hope to see you all in May or in April at the Family Law Institute!

-----  
Yours very truly,

Deborah L. McPartlin, Esq.

Partner  
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Attachment(s)



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## 2. RE: FLRI/3109.04 Bill

0

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A PHOTO



[Mona Fine, Esq](#)

Posted 03-31-2022 14:57

Reply



Is it possible to get the 3109.04 et al sections? the document I opened included some 400 pages.

-----  
Mona Fine  
Law Offices of Mona J. Fine, LLC  
Newark OH  
-----

➤ Original Message

### 3. RE: FLRI/3109.04 Bill

0 Like



Shawn Welch, Esq

Actions ▼

Posted 03-31-2022 21:24

Reply ▼

Hello Mona and the Family Law Committee. The first part of the bill is mostly renumbered cross-references. I would look at the updated definitions starting at page 151.

Also, to manage expectations, I should note that we are not certain when the bill will be introduced. Thanks for your patience!

-Shawn

--

Shawn Patrick Welch  
Deputy Legislative Counsel  
Ohio Judicial Conference  
J.D., The Ohio State University - Moritz College of Law  
B.A., English & History - Case Western Reserve University  
614.633.8882  
614.387.9765

➤ Original Message

#### 4. RE: FLRI/3109.04 Bill

0 Like



Mona Fine, Esq

Posted 04-01-2022 07:04

Reply ▼

Thanks a bunch!

Sent from my iPhone

► Original Message



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# Family Law

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## FLC Meeting May 6, 2022

1. FLC Meeting May 6, 2022

0 Like



Deborah McPartlin, Esq

Actions ▼

Posted 04-21-2022 13:43 | [view attached](#)

Reply ▼

Dear Committee Members:

As you know, our Committee has been tasked with voting on whether we support or do not support the FLRI bill. As a reminder, we need not support it in its current form and the supporters of the bill (the Ohio Supreme Court and Ohio Judicial Conference) are willing to accept suggestions for improvements.

Your executive committee has discussed our upcoming meeting and, for the sake of organization and efficiency, we've determined that it would be best for everyone who wishes to present their discussion points on the FLRI bill (pros/cons, corrections, changes, concerns, etc.) to submit your name to me in advance and I will revise the agenda accordingly and send it out the Monday prior - May 2nd. I will simply put everyone in a random order. If you don't mind going first, let me know that too. For the sake of efficiency and timing, we will also need to limit everyone's discussion

points to probably 3-5 minutes or so. Ryan and Kendra will do their best to keep the time and let you know when the time is up. After each person goes, anyone can also "raise your hand" to respond as well. Same time frames apply. Once everyone has discussed their points, and there will be plenty of opportunity to do so, we will take a vote.

Everyone who volunteered to review the bill and, of course, Mr Hitchcock are already on my list, but please let me know otherwise (including if you do not wish to present anything!). Should you like to submit something in writing instead of presenting, I'm also happy to facilitate your discussion points that way or we can read them from the chat during the meeting, which Eric has graciously offered to monitor.

I will also, as an aside, remind everyone that we are not legislators and that, while mighty we may be, there are limitations to what we may be able to change. HB 508 is a great example of this and **highly encourage you to attend the meeting simply to hear from the Bar and courts what is really happening with HB508 and what you may be able to do to help it not become law, including offering to testify.** We also encourage you to reach out to your local reps and let them know that this Bill has significant problems. I have attached the most recent opposition flyer as well. I will also say that I did not expect to have not one, but two, HUGE pieces of custody legislation be at issue during my chairship (not a word) and in 2022. But, here we are. So, in addition to that important update, we will need to focus on the legislation in front of us now and determine whether we support it as a committee. It is also important to understand that HB508 supporters largely see the FLRI bill as competing with HB508, which makes it all the more important that we vote on it.

This is also a friendly reminder to register to be there so you can vote! See you there!


-----  
Yours very truly,

Deborah L. McPartlin, Esq.

Partner  
Wagner & Bloch, LLC  
9000 Plainfield Road, Suite A  
Cincinnati, Ohio 45236  
(513) 751-4420  
Fax: (513) 751-4555  
[www.wagnerandbloch.com](http://www.wagnerandbloch.com)

-----  
Attachment(s)

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 [HB508 Flyer 4.13.22.pdf](#) 69 KB 1 version



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**Fwd: OJC, Custody Bill [EXTERNAL]**

---

**Welch, Shawn** <Shawn.Welch@sc.ohio.gov>  
To: NPO <elizabethmcneese@sharedparenting.org>

Mon, Feb 6, 2023 at 3:29 PM

Hi Elizabeth. Do you have this draft dated 3-28-22? This is the latest version of the bill.

-Shawn



**Shawn Patrick Welch**  
**Deputy Legislative Counsel | Ohio Judicial Conference**

65 South Front Street, 4<sup>th</sup> Floor | Columbus, Ohio 43215-3421  
614.387.9765 | 614.387.9759 (fax) | [www.ohiojudges.org](http://www.ohiojudges.org)  
[shawn.welch@sc.ohio.gov](mailto:shawn.welch@sc.ohio.gov)

---

**From:** NPO <elizabethmcneese@sharedparenting.org>  
**Sent:** Thursday, February 2, 2023 2:25 PM  
**To:** Welch, Shawn <Shawn.Welch@sc.ohio.gov>  
**Subject:** Re: OJC, Custody Bill [EXTERNAL]

You don't often get email from [elizabethmcneese@sharedparenting.org](mailto:elizabethmcneese@sharedparenting.org). [Learn why this is important](#)

Hey Shawn!

Is there an updated version of the FLRI bill?  
Please let me know! Happy to discuss.

We have done an analysis of the version you sent last year, but was wondering if it's been updated or changed since then or with the new GA?

Thanks,  
Elizabeth

Sent from my iPhone

On Apr 1, 2022, at 4:34 PM, Welch, Shawn <Shawn.Welch@sc.ohio.gov> wrote:

Elizabeth-

Hello. It was nice talking to you. Thanks for reaching out about the data collection issue. Both the domestic relations and juvenile are meeting this week, and I assume we will be discussing it. Have a good weekend!

-Shawn

<Outlook-  
pkqyxssa.png>

**Shawn Patrick Welch**  
**Deputy Legislative Counsel**  
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614.387.9765 (office) | 614.633.8882 (cell)  
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[shawn.welch@sc.ohio.gov](mailto:shawn.welch@sc.ohio.gov)

---

**From:** Elizabeth McNeese <[elizabethmcneese@sharedparenting.org](mailto:elizabethmcneese@sharedparenting.org)>  
**Sent:** Wednesday, March 30, 2022 12:01 PM  
**To:** Welch, Shawn <[Shawn.Welch@sc.ohio.gov](mailto:Shawn.Welch@sc.ohio.gov)>  
**Subject:** Re: OJC, Custody Bill [EXTERNAL]

Hey Shawn!

Good to see you today. I appreciate all the candor and the perspective each person brought, despite any differences. Thank you again for arranging that on your end.

I was wondering if you could speak with the Judges and if you could provide some potential language regarding the data collection portion of our bill. That is something we were really hoping to get feedback on, and I think you understand our intent with that section. So please do share any language your members feel would alleviate their concerns.

I know there are other things, so this email isn't intended to skip over or ignore those, but with the upcoming hearing on Tuesday I'd love to have a better understanding of what type of data language you'd like to see.

As I mentioned, we did find some portions of your bill to be great! We are considering adopting some of those ideas as amendments, too.

Let me know if there's anything I can help you with, in the meantime.

Feel free to call me anytime! Text is ok too. Or email, of course.

Thanks again,  
Elizabeth  
614-266-5088

Thanks

On Mar 21, 2022, at 8:27 AM, Welch, Shawn <[Shawn.Welch@sc.ohio.gov](mailto:Shawn.Welch@sc.ohio.gov)> wrote:

Hi Elizabeth. I've attached the latest draft. As you can see, it's dated January 21st. We have since sent amendment suggestions to LSC and await an updated draft any day. When we get the new draft, I'll forward it as well. I

believe there are some overlapping concepts between HB 508 and this bill for all of us to think about. Thanks!

-Shawn

<Outlook-wwyisqda.png>

**Shawn Patrick Welch**  
**Deputy Legislative Counsel**  
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---

**From:** Elizabeth McNeese <[elizabeth@echopro.net](mailto:elizabeth@echopro.net)>  
**Sent:** Thursday, March 17, 2022 4:57 PM  
**To:** Welch, Shawn <[Shawn.Welch@sc.ohio.gov](mailto:Shawn.Welch@sc.ohio.gov)>  
**Subject:** OJC, Custody Bill [EXTERNAL]

Sean- can you send me the bill the Judges have been working on? You'd mentioned it on the call and I'd love to see it and see if there's something we can work through with them-together?

Feel free to call my cell or email me with questions.

Thanks  
Elizabeth McNeese  
614-266-5088

**CAUTION:** This email originated from outside of the court. The actual "from" email address is [elizabeth@echopro.net](mailto:elizabeth@echopro.net). **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

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**2 attachments**

 **FLRI Bill Draft 03-28-2022.pdf**  
855K

 **FLRI Bill Draft 03-28-2022.pdf**  
855K



# Ohio Judicial Conference

The Voice of Ohio Judges

**House Families and Aging Committee**

**Paul Pfeifer**

**Opponent Testimony on House Bill 14**

**March 21, 2023**

Chair Schmidt, Vice Chair Miller, Ranking Member Denson, and members of the House Families and Aging Committee, I thank you for this opportunity to submit opponent testimony for House Bill 14 on behalf of the Ohio Judicial Conference.

I am Paul Pfeifer, Executive Director of the Ohio Judicial Conference. I testify today on behalf of the judiciary to condemn the insulting and shocking accusations against domestic relations and juvenile courts, including false claims that Ohio's courts are "ripping" children away from fit parents and denying parents of their constitutional rights. Ohio's family courts must deal with volatile and emotional disputes on a daily basis. These judges and magistrates have some of the most thankless jobs in the state. One or both parents are often left disappointed in even the most equitable outcomes because they are based on the best interest of the child, not the conflicting wishes of the parents.

The permanent termination of parental rights at the culmination of an abuse, neglect or dependency case is the most solemn outcome in family court. It does not compare to a domestic relations court determination that a sixty-forty split in parenting time is in the best interest of the child when considering the parents' work schedules and the child's school and extracurricular plans or a decision to grant decision-making authority to one parent when together the parents are incapable of rational decision-making. Our judges listen to all of the evidence and make the best decision they can for Ohio's children when their parents must end their relationship.

Other opponents will be discussing the numerous practical concerns created by the bill's complicated provisions. We wish to highlight that the bill's strictly equal parenting presumptions do not square with the real world that Ohio's family law judges encounter every day.

Additionally, the bill's application of an equal parenting presumption to unmarried parents has had little discussion in this Committee, but it is of the utmost concern to juvenile judges who worry a previously uninvolved parent would be presumed to have equal parenting time despite the lack of an existing relationship with a child. Our judges report a growing number of unmarried parenting cases as well as an increase in pro se litigants. Both populations will have great difficulty navigating the provisions of this bill to ensure a safe outcome for their children.

Furthermore, codifying a standard of "clear and convincing evidence that it is detrimental to the child" would be a dangerous experiment on Ohio's children. It is our understanding that no state focuses on "detriment" instead of best interests. The bill strays too far from Ohio's current standard toward a parental entitlement model of child custody.

While this bill does not provide rational reform, we recognize that the family court system can be improved. Several judges, magistrates, attorneys and other family law experts have been formulating a legislative proposal to build upon Ohio's child-centered process for children and families involved in the court system through statutory and rule changes.

Led by the Supreme Court of Ohio's Advisory Committee on Children & Families' Subcommittee on Family Law Reform Implementation (FLRI), the proposal has several overarching goals. One goal is that establishing and maintaining a parent-child relationship is of fundamental importance to the welfare of a child. Therefore, the relationship between a child and both parents should be fostered unless inconsistent with the child's best interest. Further, any legal process that allocates parenting functions and responsibilities should be guided by each child's best interests.

Recommendations for implementing this goal:

- Language used in the Ohio Revised Code, Ohio Rules of Civil Procedure, Ohio Rules of Juvenile Procedure, and Rules of Superintendence for the courts of Ohio should reflect that both parents have continuing roles and responsibilities as parents when they are not living together. To the furthest extent possible, terms of conflict and empowerment should be removed from Ohio statutes involving parenting issues.
- The allocation of parenting functions and responsibilities should be presented in a single document called a parenting plan, regardless of whether the terms are a result of parental agreement or judicial intervention.
- All parenting plans should provide for the allocation of parenting functions and responsibilities for all aspects of each child's daily needs consistent with the child's age and developmental level.
- Courts should be given more statutory options for dealing with the difficult problems involved in the consideration of requests by one parent to deny or limit access of the other parent to their children, or to information about their children.

To that end, a significant redrafting of Revised Code Chapter 31 has been proposed. Highlights of the changes are as follows:

- A change in terminology from "parental rights and responsibilities" to "parenting responsibilities." This change more accurately reflects that children should be treated as persons, not property (or assets) to be divided when the parents are no longer together.
- Discontinuation of labels such as "residential parent" or "custodial parent" to remove the perception that one parent may have the upper hand or more authority than the other. This was deliberate to help minimize the adversarial nature of these types of proceedings.
- All parenting responsibilities are allocated in the parenting plan, which seeks to ensure that "parents or legal custodians share in the responsibilities of raising a child and to enable a child to enjoy a meaningful relationship with both parents or legal custodians, as applicable, unless it is not in the best interest of the child."
- Allowing courts the discretion to fix a flawed shared parenting plan.
- Allowing courts to consider changes in circumstances relating to both parents, not just the "residential parent," as in current law. This would allow the courts to consider positive changes in both parents, including the maturation of previously uninvolved fathers.

Thank you for the opportunity to testify in opposition to H.B. 14. We look forward to working with the legislature to improve on Ohio's child-centric court system. I am available to answer any questions you may have.

[Criminal Justice & Policing](#)  
[Politics & Gov](#)

# Ohio prosecutors, judges oppose proposed 50/50 child custody

By: [Susan Tebben](#) - March 22, 2023 4:45 am



Justice scales, books and wooden gavel. Getty Images.

Members of the legal field, including a former Ohio Supreme Court justice, spoke out Tuesday against a bill aiming to give parents automatic 50/50 custody in divorce and dissolution cases.

Paul Pfeifer, who served 24 years as a state supreme court justice, also wanted to defend domestic relations judges from what he regarded as “insulting and almost shocking testimony” from proponents of the [House Bill 14](#).

Some of the comments he took issue with — claims that judges apply their own personal values to cases and differing processes in each of the 88 counties in the state — had also been made by a co-sponsor of the bill, state Rep. Rodney Creech, R-West Alexandria, [as he introduced the bill](#) in the House Families & Aging Committee.

“This bill, (HB) 14, is all about the parents and not about the children,” Pfeifer told the committee on Tuesday.

Brittany Whitney, assistant director for the Mount Vernon Law Director’s office, and director of the Mount Vernon Domestic Violence Special Prosecution Unit, wanted to discredit claims that false abuse accusations are sullyng the existing system.

“I want to assure you that in my experience as a domestic violence prosecutor, it is exceedingly rare for there to be false reports of domestic violence, almost to the point where it just doesn’t happen,” Whitney said.

Children who come from loving families are often the subject of amicable separations, and agreeable custody cases. In about 10% of cases, dysfunctional and sometimes violent family situations are involved, she said.

“It’s really inappropriate to start from a parent-centered model, because they’re not the vulnerable party here,” Whitney said. “The child is.”

Pfeifer is now the executive director of the Ohio Judicial Conference, and he acknowledged that while he did not support HB 14, the family court system could be improved.

“Several judges, magistrates, attorneys and other family law experts have been formulating a legislative proposal to build upon Ohio’s child-centered process for children and families involved in the court system through statutory and rule changes,” Pfeifer wrote in his committee statements.

Reform would come through changes to language in the Ohio Revised Code, rules of civil and juvenile procedure and other court rules to “reflect that both parents have continuing roles and responsibilities as parents when they are not living together,” according to Pfeifer.

“To the furthest extent possible, terms of conflict and empowerment should be removed from Ohio statutes involving parenting issues,” he wrote in citing the recommendations, led by the Supreme Court of Ohio’s Advisory Committee on Children & Families’ Subcommittee on Family Law Reform Implementation.

The reform of the Ohio Revised Code could also include discontinuing the terms “residential parent” or “custodial parent” to “remove the perception that one parent may have the upper hand or more authority than the other.”

“When you’re dealing with these issues, you’re dealing with a powder keg,” Pfeifer told the committee.

When asked how to improve the bill as it goes forward in the committee, both Pfeifer and Whitney had a similar answer.

“I would be inclined to think this bill probably can’t be fixed in the form that it is,” Whitney said.

Pfeifer went so far as to say the bill was “a hot mess.”

“You can’t fix it, because it begins with the premise that everything has to be 50-50, and that’s just unnatural,” Pfeifer said.

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**DATE:** Tuesday, April 18, 2023  
**TIME:** 12:00 PM  
**ROOM:** Floor 13 East Conference Room

## AGENDA

- Change evidentiary standard to **clear and convincing AND preponderance** of evidence under certain conditions contingent on the relational status of the parents
- Removal of the word “detrimental” entirely replacing with:
  - Currently in non-compliance with Ohio’s 13 factors of law for custodial agreement under ORC 3109.04 or....
- Modifying the language to show the differentiation between unmarried couples and more *fluid*/non-married relationships
- On similar bills in Arizona (A.R.S. §25-403.02) and Arkansas (SB18, Act 604)
  - In Arkansas, joint custody will be ordered unless there is “clear and convincing evidence” that is it not in the best interest of the child.
  - In Arizona, legislators preferred an approach that did not require a “clear and convincing” standard of evidence
  - Are there any other changes we would like to incorporate from these specific bills?
- *Family Law Reform Implementation* (the 13 points)
  - What are portions of their current system to adopt?
  - What do we add?
- OJC’s Suggestions:
  - Codification of a policy statement
  - Findings and facts
  - Codification of a section allowing for the Supreme Court to look into rules for equal parenting



November 12, 2024

**In Case You Missed It:**

[November is National Adoption Month](#)

*The Ohio Judicial Conference is dedicated to serving all Ohio judges. The Judicial Conference is the voice of the judiciary & a primary resource to ensure the fair, unbiased, open & effective administration of justice.*

## Legislative News: Two-Week Review

- **SB 325** (Sens. Gavarone, Hicks-Hudson) **Family Law Reform**, introduced 11.6.24. The bill significantly rewrites the allocation of parental rights and responsibilities language in Chapter 3109 with an emphasis on (and expansion of) the statutory “best interest of the child” factors and elimination of “custodial parent” and “residential parent” terminology. The bill’s reforms are based on recommendations from a subcommittee of the Supreme Court’s Advisory Committee on Children & Families that included members of the OJC’s Domestic Relations and Juvenile Law & Procedure Committees.
- **SB 321** (Sen. DeMora) **Liability for Injury from Food**, introduced 10.31.24. The bill provides a reasonable expectation test in determining liability for injury caused by consumption of food containing a substance injurious to health and requires a jury to make that determination.
- On 10.22.24, the Ohio Supreme Court decided [State ex rel. Cincinnati Enquirer v. Bloom \(Slip Opinion No. 2024-Ohio-5029\)](#), which interprets the Open Courts Provision of the Ohio Constitution to prohibit blanket **mandatory sealing of juvenile delinquency records** because of the lack of individualized determination balancing the interests of the state against the interests of the juvenile. R.C. 2151.356 – which mandates sealing of such records – is unconstitutional.
- On 10.25.24, the Ohio Supreme Court decided [State v. Echols \(Slip Opinion No. 2024-Ohio-5088\)](#), which held that evidence of witness intimidation must be analyzed under Evid.R. 404(B) if offered as **proof of an “other crime, wrong, or act”** but in this case, evidence of a man’s attempts to intimidate a witness was properly admitted because it showed a “consciousness of guilt.”
- Public comment is currently open for [proposed changes](#) to the Rules of Superintendence, which change a variety of **probate forms**. The 30 pages of new and amended probate forms include changes to the “Statement of Expert Evaluation” that require a licensed physician or clinical psychologist to approve emergency guardianship and that remove from the “Court Investigator’s Report on Proposed Guardianship” any determination whether mental, physical or environmental conditions supporting adult guardianship are “reversible”; a new “Service of Notice Information for Adult Guardianships” that requires prospective wards to be notified at least 7 days before a guardianship hearing; and a 5-page questionnaire to would-be guardians. Any comments should be submitted in writing before 11.18.24, to [ruleamendments@sc.ohio.gov](mailto:ruleamendments@sc.ohio.gov).
- The 135<sup>th</sup> General Assembly is coming to a close. The two legislative chambers each have only 5 session dates scheduled before the end of the year; the Ohio House of Representatives on: 12.3, 12.4, 12.10, 12.18 and 12.19; and the Ohio Senate on: 11.13, 11.20, 12.4, 12.11, and 12.18.
- Did you know? The Ohio Council of County Officials is advocating for an **increase in compensation for elected officials**, including judges, to help recover from unprecedented recent inflation. Along with this newsletter, we’ve attached a set of talking points that can be brought up with your local legislators.

[For Tools & Bench Aids, and the latest Bill Impact Statements, please visit the OJC Website](#)



[Marta Mudri](#)

Legislative Counsel  
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[Josh Williams](#)

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[Justin Long](#)

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