

WRITTEN OPPONENT TESTIMONY

Senate Bill 174 (As Amended)

Submitted to the Ohio Senate Judiciary Committee

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Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee,

Thank you for the opportunity to present this written opposition testimony to Senate Bill 174, as amended.

I remain firmly **opposed** to SB 174, even as amended. It will increase cost, increase conflict, and decrease accountability of court actors (judges, magistrates, GALs et. al.) SB 174 is anti-child and anti-parent, and instead of improving a woefully destructive family court system it instead makes things significantly worse. Constitutional rights and US Supreme Court rulings are ignored and by-passed. Moving us further to class actions, federal court actions, and citizen movements to remove qualified immunity protections that are being used to cover for gross miscarriages of justice by court actors. Discretion is unlimited, right rule of law is fundamentally eliminated.

The State's rightly held interest in child welfare and best interest, due to full discretion of judges etc., are not functionally enumerated, quantified, specified, or clarified. There is no real fundamental protect against Judge abuse of children's rights to a relationship with willing and able loving parents. This bill is micro-managing at extreme cost and conflict even basic parenting functions, without true concern for the intense ramifications that actually hurt and hinder a child's best interest. And this is done by individuals with little qualifications if any, and often with various agendas and/or biases, even extreme bias. There is no real remedy or protection against that in this bill. Millions of hours of studies, clinical research and experience, writings and testimonies against such laws as this are ignored. This is a terrible law.

We have an epidemic of fatherlessness and of family conflict in this nation and in Ohio. This bill makes those worse. We have an epidemic of lack of trust in government, politician, judges, lawyers and in particular of the family courts. This bill makes these all worse by failing to adequately address shortcomings and ignoring needed corrections, while making numerous items worse.

Some points and comments on this new law follow:

- The court's appointment of a "*designated parent*" for legal custody, decision making ability, etc. will STILL have parents fighting over parenting rights.

- Courts being required to create or approve an incredibly detailed parenting plan is micro-managing, conflict inducing, and very costly. The courts are not qualified to do this, and nothing in this law or from expert testimony or evidence can control or override rampant human bias. Parents DO NOT parent in this way naturally or normally, ever. There is no parenting system or structure that does not flex relentlessly. Systems need to allow for reasonable flexing and not add pointless rigidity. This is massive government overreach into the daily parenting decisions parents should be making for their children.
- There is no guidance for courts on where to begin, other than from both bias within the decision maker (judge, magistrate) and from influence from special interests and personal or professional relationships. No presumptions in law, but many presumptions in biases held by court actors. Children and parents are not protected from court abuse or malfeasance. It is imperative that the legislature do the legislating, rather than writing wide-open law giving functionally all the power and authority to a single judge based on any whim or opinion.
- Gives courts "*complete discretion*" over all parenting plans -- which means total power to do what they "feel is best" no matter what. Even if fit parents agree otherwise!
- Parenting plans should "maximize parenting time with both parents". This is good but the law states ONLY WHEN the court feels it's in the child's best interest (but again, they have "*complete discretion*" to determine *what's best*)
- Factors added to consider again offer no guidance on what to DO with those factors. So, courts can apply their own personal biases and opinions to even more factors.
- Developmental stage factors again do not rely on research or hours of professional qualified clinical experience but rather again rely only on opinions of lawyers (judges, magistrates and so forth) and other court actors with monetary or special interest agendas. Many judges or magistrates come into this position with little or zero functional experience or expertise in any of this – they are lawyers.
- Courts can *deny a joint request by both parents* if the court thinks it's "best" and with "complete discretion" even if they wrote down their findings, it's not enough to matter on appeal. Functionally neutering the protections of facts and findings.
- The court does not really consider that the past parenting relationship was built on terms that will no longer continue, and agreements and sacrifices therein. Going forward aspects of a broken family system or structure are haphazardly held up in part or whole randomly and in a biased manor, not looking at actual clinical best interest going forward first and foremost trying to protect the child's equal access and relationship with both parents as well as the critical roles different parenting styles and presence have.
- Disturbingly, there is also the addition of "*any other relevant factor*" the court wants to consider, so they can literally make a decision based on ANYTHING they think is relevant, not just the factors listed in statute
- They have new criteria for determining if a parent is "unsuitable" to parent, and explicitly states that they must only apply the preponderance of evidence (the lowest standard there is) when deciding if a parent is unsuitable. Factors include "abandonment" and "detrimental". This is a huge opportunity to cut out a loving parent

for "abandonment" because the court blames them instead of the alienator who kept a child away. The whole criteria for who is "unsuitable" is *subjective* with a very low standard of evidence.

- Mothers remain sole custodian of babies born out of wedlock, fully ignoring a child's right to a father's parenting relationship
- A person being "fearful of harm," under preponderance of evidence (lowest standard there is), is a specified reason to restrict a parent's responsibilities or time with their children. This totally undoes the false allegations clauses they added because it's impossible to disprove "fear.." So, we're writing into code that a mere claim of "fear" is enough to restrict a parent's rights and time. This is already being done through ex parte protection orders, but this actually codifies this maneuver. These actions encourage child estrangement from fit parents, and leads to suicides of the alienated parent and great detrimental harm to the child, including criminal actions and behavior later in life, emotional distress, even suicide of a child in later years.
- The courts can deny all contact with a child to protect the other parent from domestic violence - with same criteria of preponderance of the evidence and only the expressed "fear" of the other parent. Why are we not using prosecutors to investigate all such allegations and having their reports entered into the family court proceedings? We have medical, school, police, children services records and laws already but the family court can ignore and bypass all and any of them.
- At any point the court can order a multitude of investigations and evaluations at the parents' expense even when parents have submitted a joint plan and don't intend to take it to a full trial, and *even* when there is no allegation or evidence of harm or danger to anyone. Just look at Ho v Co in Hamilton County involving Judger Betsy Sundermann and GAL Ross M Evans for one example, where the court ran up over \$150k in GAL fees on two pro se litigants, ending in four different court actions (appeals, Ohio Supreme Court ruling ,etc.)
- Lack of clear structure encourages effectively vexatious litigation. Many of these cases take years to resolve already, fight over any number of issues, can be re-litigated in an on-going fashion ad infinitum. The standard used in Kentucky, Arkansas, Missouri, West Virginia and Florida minimizes contestation, and maximizes child / parent relationships. Judges are on record stating how well that is working even when they doubted such originally. Massive percentages of research and voter polling data back this. Much of which have been presented in prior testimony on this bill and on two bills introduced in the Ohio House in the immediate last two sessions. People lose their homes in these contests, lives are lost. *Excessive judge discretion is the fundamental problem.* Data sets being used are so large (whole states) and control factors are so consistent, and now especially since Kentucky has been instituted since 2018, that the reduction in domestic violence and improvement in parenting relationship from a 50/50 rebuttable presumption simply cannot be refuted. Please see the National Parents Organization for research and studies herein.

When the state interferes in parenting decisions of fit parents it must meet the **strict**

scrutiny standard outlined by the U.S. Supreme Court. This is extremely important in minimizing judicial bias as well as keeping cost and conflict down. This means any infringement on parental and **child's** rights must be:

1. In service of a compelling governmental interest (which is met),
2. **Narrowly tailored** to address that interest,
3. And use the **least restrictive means** available (*Washington v. Glucksberg, Troxel v. Granville, Meyer v. Nebraska*).

SB 174 fails to meet the second and third prongs of this strict scrutiny test.

Constitutional Concerns.

U.S. Constitution – Fourteenth Amendment

The Supreme Court has repeatedly held that **the right of fit parents to make decisions about their children is a fundamental liberty interest** (*Troxel v. Granville*, 530 U.S. 57 (2000)).

SB 174 rewrites this fundamental right as a privilege subject to court allocation. This invites unnecessary government interference even when both parents are fit; in agreement and in agreement with the child.

Further, the bill:

- Allows courts to override joint parenting plans,
- Permits restrictions based on a **preponderance of the evidence** standard rather than the required **clear and convincing** threshold, (a lower standard here than Children Protective Services actions have).
- Fails to demonstrate that judicial intervention is the **least restrictive means** of protecting children.

U.S. Constitution – First Amendment

SB 174 also threatens **First Amendment rights** by enabling the state to:

- Dictate when and how a parent communicates with their child and vice versa,
- Limit association based on subjective “fear” without factual evidence, (not by rule of law, findings of fact, presumption of innocence and other fundamental protections that should be and are afforded to all citizens, especially here to protect children and their right to parenting relationships, and that of parents towards their children),
- Impose constraints on parental values, speech, and expression.

In *Roberts v. Jaycees* and *Meyer v. Nebraska*, the Court made clear that parental association and belief-sharing are protected liberties.

SB 174's structure undermines these items listed above.

Ohio Constitution – Article I, Section 1

Ohio courts have affirmed that the **right to parent is fundamental** and must be protected under Article I of our state Constitution. In *In re C.R.* (2006), the Ohio Supreme Court recognized these rights as fundamental. SB 174 does not meet the Ohio Constitution's standard of “due course of

law” before infringing on these rights.

Amendments Deserving Praise

I want to commend the committee for the amendments adopted on **November 29, 2025**, that reflect progress:

- **Written Findings Requirement:** Courts must now issue written findings to deny equal parenting time—an important step toward transparency and accountability. (But how can you appeal a finding here if judges have full and complete discretion?)
- **New Best-Interest Factor:** Acknowledging parental noncompliance with previous orders helps deter interference and promotes fairness.
- **Paternity Language Update:** Replacing the term “putative father” with “person seeking to establish a parent-child relationship” is a more respectful and modern approach.

These changes are appreciated, but they do not correct the bill’s structural flaws that continue to place courts above the constitutionally protected rights of parents and children.

Recommendations and Legislative Alternatives

To comply with constitutional protections and promote child wellbeing more effectively, I respectfully urge you to:

- Amend SB 174 to include a **rebuttable presumption of equal parenting** **me** for fit Parents (*every law has a presumption – if not spelled out then this presumption exists in the minds and emotions and bias of the judge or other individual hearing the matter*),
- Require **clear and convincing evidence** before any parenting time restriction,
- Limit judicial authority to override parent-agreed plans unless **harm is demonstrated**,
- Incorporate protections from **HB 256 and HB 550**, which offer stronger safeguards for unmarried fathers and enforcement of court-ordered parenting time.

Legislators’ Oath

Members of this committee and the General Assembly have sworn an oath to **uphold both the U.S. and Ohio Constitutions**. That includes the duty to:

- Protect parental and children’s rights as fundamental liberties,
- Demand that legislation infringing on such rights be the **least restrictive means** to serve a compelling interest,
- Ensure due process is observed when regulating family life.

SB 174, even as amended, does not meet these obligations.

Conclusion

SB 174 continues to allow undue government interference in the lives of fit families, lacks proper evidentiary safeguards, and redefines parental and children’s rights as state-assigned roles. I respectfully ask this committee to either substantially amend this bill or vote NO on its passage in its current form.

Thank you for your time and for your service to Ohio's families.

Respectfully submitted,

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Parent