

## Senate Bill 174 – Opponent Testimony

Since SB-174 was introduced in April of this year, I've been trying to understand the purpose of this bill. Per the April 30 hearing, this legislation is supposed to enact recommendations from a 2005 task force to encourage co-parenting situations. A 2005 task force... what suddenly changed after 20 years for those recommendations to make its way into legislation?

It's obvious that there are significant problems in Ohio's Domestic Relations Courts. Upon divorce, fit parents are routinely forced to battle in courts for fear of being relegated to an every-other-weekend visitor in their child's life. Why is Ohio doing this? I'm not sure how many of you have been personally involved in divorce with children. But put yourselves in the shoes of those who are forced to spend tens & hundreds of thousands of dollars on convoluted court proceedings to even attempt to remain meaningfully involved in their child's life. Put yourself in the shoes of the children who are dealing not only with divorce but now have one half of their family ripped out of their day-to-day life by the Domestic Relations Courts.

SB-174 contains language revisions to the ORC but has no teeth to actually create judicial reform. In fact, these language changes and recommendations to Domestic Relation Courts have already been done before and resulted in no meaningful change. Seven years after the 2005 task force, the Supreme Court of Ohio released an 80-page document entitled Ohio's Guide for Parents Living Apart. It stated: "preserving a healthy and ongoing relationship between children and both parents after separation is of the greatest importance" Does that sound familiar? This 2012 document specifically stated that the every-other-weekend schedule is appropriate only when a child cannot spend more equal time with parents due to work schedule, geography, a parent is unfit, or a child is not bonded with both parents<sup>1</sup>. Just like SB-174, the 2012 document had no teeth for enforcement and thus nothing changed. Children and separated parents don't care if a parent is labeled as "residential" or "designated". They care about having meaningful relationships with their family members.

I've listened to the bill sponsors tout that this bill now requires the court to document the best interest factors in writing. That sounds great in theory but in practice it is not significant. It just means a judge is required to list the factors and then write "None of the best interest factors significantly favor either parent. However, since Parent A works 4 fewer hours per week than Parent B, Parent B will be relegated to an every-other-weekend parent". Each County's Court has already told you what they want to do based upon their standard parenting plans. SB-174 does nothing to change that.

I've listened to the bill proponents proclaim that SB-174's addition of more best interest factors will result in better rulings. However without any requirements for consistently applying these

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<sup>1</sup> <https://www.supremecourt.ohio.gov/docs/Publications/JCS/parentingGuide.pdf> Schedule 9 on Page 33 of 80

factors, the additional factors only serve as another menu option for the Court to pick and choose which factor better supports their personal biases.

- SB-174 does not do create a consistent standard parenting schedule for children throughout the 88 Ohio counties.
- SB-174 does not create a presumption of equal shared parenting time for fit parents.
- SB-174 does not provide any meaningful reform.

So, what does SB-174 actually do:

1. This bill does continue to treat children of divorce worse than children in married families.
2. This bill does perpetuate the status quo of incentivizing conflict between separating parents.
3. This bill does perpetuate the status quo of imposing emotional and financial stress on separating families.
4. This bill does perpetuate the routine practice of forcing a child to lose one side of their family upon divorce.
5. This bill does perpetuate the status quo of arbitrary standard parenting plans between counties.
6. This bill does grant even more discretion to Domestic Relation judges. This is in direct conflict with what we have heard over the last 3 years of public testimony when the public has been demanding that the judges should have less discretion.

So again, what is the purpose of this ineffectual SB-174 that maintains the status quo while giving Courts even more discretion? Why are recommendations from a 20-year-old task force suddenly appearing in SB-174? Who benefits from this bill? Who wants SB-174? The public does not want this bill. It certainly appears that SB-174 is intended to maintain the status quo so that the reform of Domestic Relations Courts that is being demanded by the public can continue to be ignored.

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