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PROPONENT TESTIMONY - HB508

TESTIMONY OF DANIEL F. GETTY, ESQ.

CIVIL JUSTICE COMMITTEE

OHIO HOUSE OF REPRESENTATIVES, 134TH GENERAL ASSEMBLY

MARCH 8, 2022

Chairman Hillyer, Vice Chair Grendell, Ranking Member Galonski and members of the House Civil Justice Committee, thank you for the opportunity to provide proponent testimony on HB508.

I am a practicing attorney in the State of Ohio for 20 years. As part of my practice I have litigated cases in Domestic Relations Court, as well as Juvenile Courts, in numerous jurisdictions in the State of Ohio related to child custody, and am also a certified Guardian Ad Litem. I practice in several counties, including Warren, Montgomery, Greene, Adams, Brown, Butler, Hamilton and Highland Counties.

I have reviewed the Children Need Both Parents Bill and believe this is a long overdue law in Ohio. This is the only area of law where I have found that one party is put at a clear disadvantage and bias from the very initiation of a case, and this status quo is considered “fair” in the eyes of most courts. Again, this is the only area of law that I ever feel one party has an advantage over the other due to the biases created within the system itself. Moreover, I see the system abused in many instances, by litigants doing whatever it takes to “win.” Unfortunately, I also see that the children are the ones who suffer.

This bill has my full support and is long overdue. Judges and Magistrates must account for their decisions in ways that benefit the child. This bill will require the Court to begin at equal, and issue Facts & Findings if the presumptions have been rebutted. Too many times, the court just makes the easy decision and grants a standard order, which typically is only every other weekend visitation. More than once I have heard Courts actually refer to the “standard” being every other

weekend with father. Any “standard” should be equal unless the circumstances dictate otherwise, which this bill addresses.

Further, this bill would seemingly do away with any Court’s so called “standard orders” of unequal visitation. It would obligate the courts to analyze each case independently to determine what works best for the children and if the equal presumptions have been overcome.

Also, I believe the bill would assist pro se litigants. No longer would an adequate parent give up just because they feel the law is biased. With an equal presumption more parents would feel comfortable going before the court, knowing they are on equal grounds unless proven otherwise. Ultimately more parents would be involved parents with this legal framework in place as the foundation.

Additionally, the clear and convincing standard is necessary. Too often even attorneys are at a loss with unsupported decisions from the courts. However, under the current standard of preponderance it’s difficult if not impossible to successfully appeal and check such unsupported decisions. Unfortunately, without clear and convincing evidence good parents find themselves not only facing an inherently biased legal framework but also with no ability to have a superior court successfully review any unsupported or unfounded decisions.

I also have personal experience, as I am an unmarried father of a son whom I love immensely. Having my own case opened my eyes wider to the inherent bias in the current custody laws. A change is needed to protect the relationships of children and both parents. This bill makes that change. It has my full support as a necessary mechanism of change to update an outdated legal system that has no uniformity with regard to its application case to case and jurisdiction to jurisdiction.

Regards,
Daniel F. Getty, Esq.