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May 16, 2022

Sent via email only to civiljusticecommittee@ohiohouse.gov

Re: House Civil Justice Committee Opponent Testimony on House Bill 508

Dear Chair Hillyer, Vice Chair Grendell, Ranking Member Galonski,
and members of the House Civil Justice Committee:

Thank you in advance for taking time to review my opponent letter-testimony for House Bill 508. I have a law practice in Butler County. I have been practicing primarily family law for over 30 years. My work includes custody matters for married and unmarried parents. I have never taken the time to write a letter such as this letter and hope you take a moment to read it.

I am just one small voice but with a perspective important to share with you. If you talk to a number of family law attorneys or observe a few contested parenting hearings, you may better appreciate the dynamics and my viewpoint. This House Bill 508 legislation appears simplistic and somewhat naïve to the widely varied circumstances related to parenting rights and responsibilities. I have a small volume practice, but let me give you a sampling of just three cases from this past year.

I represent an unmarried father who has temporary custody of his daughter, age 8. He is seeking to limit mother's contact to a few hours a week, despite a good history over the past years of about equal time. She has made some bad choices recently, such as continuing in an abusive relationship and putting her daughter at risk during her parenting time as a result. She has agreed to temporary orders that this person will no longer be present during her parenting time yet has continued to do so.

I have another case representing a divorced mother with a shared parenting plan. Father will only see his 14-year-old son a few times a year when he agreed to a plan providing him almost half of overnights during the year. The child is autistic. Mother wants father to be involved and has filed a contempt motion for him not taking his parenting time. She needs respite, she has care costs, and she requires a reliable parenting schedule for her to work. Her son used to ask when his father is coming to get him, until father's contacts became less and less frequent.

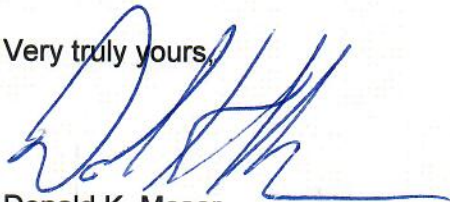
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I represent a young mother in a divorce with a three-year-old. The father clearly has no wherewithal as to how to parent. He states he wants to be involved but is usually a no show for his temporary order parenting times. During a video pretrial hearing with the judge, he was surround by a vape or smoke cloud (the judge told him to stop whatever he was smoking and moved forward with the hearing). We plan to present evidence of him selling drugs from the home when they resided together.

More often, I find in my law practice parents disagree as to the details such as the logistics, transportation, parenting times and hours, the day care choice, or the school choice, but both parents are generally decent parents. Both want to work out these details without a trial with the assistance of their attorneys. I find most attorneys help parents negotiate a settlement, more as advocates than adversaries in the process. We work with our clients with in mind the statutory foundation of the best interest of their children under the parents' particular circumstances. Not what is best for the parents, not revenge against the other parent, not for dislike of the new boyfriend/girlfriend, etc.

Any legislative framework will be imperfect when "plugging in" particular parents and children in the circumstances. But you need not rewrite the current statutory framework. Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Donald K. Moser', with a long horizontal flourish extending to the right.

Donald K. Moser
Moser Law, LLC

Copy: Representative Sara Carruthers sent via email only rep51@ohiohouse.gov