

OPPONENT TESTIMONY

HB 508 TESTIMONY OF SANDY SULLIVAN BOSTIC

FAMILY ADVOCACY ATTORNEY/CENTER FOR FAMILY SAFETY & HEALING

CIVIL JUSTICE COMMITTEE OHIO HOUSE OF REPRESENTATIVES  
134<sup>th</sup> GENERAL ASSEMBLY

MAY 24, 2022

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

My name is Sandy Sullivan Bostic. I am a Family Advocacy Attorney at Nationwide Children's Center for Family Safety and Healing. As an attorney for the past thirty years, I have worked extensively with domestic violence victims, both as a Prosecutor and as a Family Law attorney. For the past three years, I have worked for the Center with many of my cases involving some form of family violence and its resulting impact on the children involved.

The Center for Family Safety and Healing's Mission is to provide services for children and adults that focus on healing, preventing re-victimization, and addressing racial disparities. The goal for everyone at the Center is to end family violence and to create safe and thriving communities for the children of Ohio.

I thought it would be helpful to give you a few examples of the types of cases we handle and how HB 508 would be detrimental to the children involved in those cases by its empowerment of the abusive parent. HB 508 gives the abuser the strongest weapon possible against his victim, her children.

A large portion of my legal referrals come from the Child Assessment Center. The Child Assessment Center (CAC) provides medical assessment and treatment; along with interviews of children and family members who may have experienced child abuse, neglect, or exposure to violence. Children and adolescents are seen for comprehensive evaluations of alleged abuse or neglect. The clinic uses a multidisciplinary approach, which includes medicine, social work, law enforcement and child protective services, which minimizes the child's need to repeatedly tell his/her story of abuse. Many of the referrals we receive involve clients needing help with filing for divorce, revising an existing Parenting Plan, defending against a custody action brought by the alleged abuser, and helping with school needs of children because of current and past trauma they suffer, much due to family violence.

Proving child sexual abuse is very difficult. Children often do not disclose until the abuse stops or many months, even years after it begins. These cases present with a minimum, if any, physical evidence and many of the victims are young children who are

not always able to remember specific dates and times. This does not mean the sexual abuse did not occur. Their abusers are careful to hurt them when other family members are not home or are in other areas of the home. As a result, there rarely are witnesses to the abuse. Consequently, it becomes the child victim's word against the adult parent abuser. Unless, he makes a confession, law enforcement and prosecutors rarely can file a viable criminal case against the abuser. Consequently, the mom is left with the family law courts as her only recourse to protect her child from further abuse. If HB 508 passes, the protective parent in these sexual abuse cases is at a significant disadvantage based upon the above-described proof problems. It is likely that at Temporary Orders, before a Guardian ad Litem can investigate [assuming the parent can afford a GAL] the child who had some protection from the sexual abuse, will now be placed 50% of the time with their abuser with no protection. The fact that the protective parent could at some later date rebut the presumption of 50/50, will not fix the damage that may occur to these children that were forced to live with their abusers based upon a 50/50 parenting requirement.

We have numerous cases with clients in dating relationships, where there were power and control issues, including physical violence. When our clients become pregnant, their boyfriends often demand that they abort the child. The ones who refuse to have an abortion are often abused even more during the pregnancy, often to try [consciously or sub-consciously] to cause them to lose the baby. Even if these clients escape the abuse without significant injury to themselves or their unborn child, they then are forced once again to protect themselves and their children from their abuser when the father files a Complaint for Allocation of Parental Rights requesting shared custody of these children they didn't want, demanded be aborted, and sometimes tried to kill in utero with their abuse. If HB 508 passes, these moms, not the abusive absentee father, would be required to prove to the court that shared parenting would be detrimental to the children. This means these moms needed not only to have called the police, but the police would also have to have arrested their abusers, prosecutors would have had to take the cases to court, and there would have to be convictions of Domestic Violence. Without a lot of evidence to support their claims of prior abuse and the danger posed to the children; these abusers have a strong chance of 50/50 custody and shared decision making. This will affect minority women even more as they are less likely to have reported the prior abuse based upon their mistrust of law enforcement. None of this can be considered beneficial to children.

In almost every single case I have handled the past three years involving unmarried mothers being served with Allocation of Parental Rights Complaints, the sole impetus for the father going to court was having to pay child support. These fathers were not and are not wanting extensive time with their children because they have a desire for a 50/50 relationship with them. Rather, they request 50/50 custody so they don't have to pay child support, or so they can use the child to continue to control, have contact with, and in some cases abuse, their previous victims. HB 508 rewards these men seeking a way not to have to pay child support.

For a long time, the mantra in our society regarding domestic violence has been "why doesn't she leave"; "she should just leave, and the abuse would stop." We have empirical

evidence that the most dangerous time for an abused woman is when she is preparing to leave or has just left her abuser. HB 508 forces these women who leave, almost always to protect their children from witnessing further abuse or experiencing abuse, to now collaborate and cooperate with their abuser. It also forces them to have constant contact with the abuser, giving the abusers unfettered access to their victims. In my Family Law cases, both as a private attorney in high-net-worth cases, and as a Family Advocacy Attorney for lower income parents, it is consistent that abusive partners use custody to control, punish, harass, and abuse their ex-partners. It is rarely about them wanting more time with their children, it is about hurting their ex-partners with the thing that matters to them the most – their children.

I could speak for hours on this topic; however, I will end with I believe that everyone involved in the practice of Family Law and the Domestic Violence field are in favor of children having a relationship with both parents, if it is safe for them to have that relationship. That being said, the focus must remain on the best interest of the children, not the best interest of the parents. We can't legislate into effect positive parenting and a collaborative co-parenting relationship in cases of domestic violence. If we want to keep the children of Ohio safe, we cannot pass House Bill 508.