

PROPONENT TESTIMONY REGARDING
House Bill 366
Ohio Senate Judiciary Committee
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Good afternoon Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Committee. My name is Steve Killpack. I am a social worker and family services practitioner in my primary role as Executive Director of the Healthy Fathering Collaborative in Cleveland. I am also a founding Board Member of the Ohio Practitioners' Network for Fathers and Families (OPNFF). OPNFF was founded in 2004 to provide information, training and encouragement to father and family-serving practitioners. As part of our work, OPNFF has been a longtime advocate for reforms and revisions of the Child Support Guidelines. I have represented OPNFF as a member of the 2009, 2013 and 2017 Ohio Child Support Guidelines Councils. I am also a past public appointee to the Ohio Commission on Fatherhood, 2007 to 2014.

On behalf of OPNFF, I am pleased to provide testimony in support of HB 366, revisions to the Ohio Child Support Guidelines. We thank Senator Bill Beagle and Representative Gavarone for sponsoring the legislation as well as all of the co-sponsors for their support.

I am testifying today in support of three components of the legislation:

- the **Self Sufficiency Reserve**
- the **Standard Parenting Time Credit**
- and the **Deviation Factor for Extended Parenting Time**

The current Ohio Child Support Guidelines and our state's social welfare policy are structured to funnel all financial resources for a child into the custodial parent's household. These policies create an inequitable "have/have not" dynamic between custodial and noncustodial parents. OPNFF member agencies work with countless noncustodial parents (primarily fathers) across the State of Ohio that are struggling to do the right thing: parent their children, meet their child support obligations and take care of their own needs. Sadly, many are unable to succeed in their efforts, struggling to maintain economic self-sufficiency and facing child support orders set beyond their ability to pay.

We firmly believe that this inequity can be addressed through legislative reform focused on supporting and encouraging cooperative co-parenting relationships between mothers and fathers, both unmarried and divorced. In particular, we support the establishment of the Self Sufficiency Reserve, the Parenting Time Credit and the Deviation Factor for Extended Parenting Time. All of these revisions acknowledge and support noncustodial parents as financial providers and nurturing parents of their children.

The Self-Sufficiency Reserve will positively engage more low income noncustodial parents (obligors) with the child support system and in the lives of their children, by validating the importance of their role as a parent and insuring their economic stability. Economically stable obligors will make more regular and consistent child support payments, providing stability in the custodial parent's household as well.

The Parenting Time Credit insures that funds intended for the child's care and well-being will follow the child to the non-custodial parent's home when he/she is spending time there under a legal parenting time order.

The Deviation Factor for Extended Parenting Time ensures that noncustodial parents will be treated fairly and evenly in courtrooms across the state. We support the current language in the bill, or the alternate language offered by the Ohio Child Support Director's Association. We are opposed to the amendment proposed by the Ohio Judicial Conference as it does not ensure that noncustodial parents will be treated fairly and evenly in all courtrooms.

OPNFF is confident that all of these revisions are designed with the best interests of the child in mind. Yet we are aware that you will receive testimony from opponents of these revisions stating that too many valuable resources will be lost in custodial parent's home if they are implemented or that judges may have to give up some of their discretion. Please help us avoid a destructive argument that pits mothers vs fathers by promoting policies that encourage cooperative co-parenting between mothers, fathers and any other family members and guardians. You will not be alone in these efforts. For example, the Ohio Department of Health has recently approved rule changes and policy shifts that will extend home visiting services to fathers and other family caregivers. This is just one of many family-service reform efforts taking root across Ohio State government. Please take this opportunity to join this important work.

I offer the following background information to provide context for our support of HB 366:

Defining “Family”

Throughout the 20th and early 21st Centuries, most local, state and federal benefits have targeted custodial households in an attempt to provide a safety net for the family. American social welfare policy has traditionally focused on supporting “single” custodial parents and children, while not providing support for noncustodial parents who are contributing financially and emotionally to the support of their children. This social policy was based upon a definition of family as a “custodial parent(s) and their children” assuming we presume that the custodial parent would engage the noncustodial parent if it was appropriate.

An unintended consequence of this policy has been the creation of a “have” vs “have-not” situation between the two parents in a child’s life. This situation often leads to conflict between parents over resources, undermining cooperative parenting. To address this issue, it is proposed that family be defined through the eyes and heart of a child. A child simply sees their parents, not classifying them as custodial or noncustodial. If we are truly committed to building a safety net around that child, it is imperative that we design a social policy that engages and supports both the custodial and noncustodial parents and their respective families. Both parents provide for their children financially and emotionally and it is critical that we celebrate and support both parents if we are intent on improving the well-being of their children.

When the client becomes the child, rather than the custodial parent, benefits follow the child whether they are with their mother, father (or both), or a kinship caregiver. This would allow the extension of TANF job and education benefits and earned income tax credit for noncustodial fathers or kinship caregivers who are financially and emotionally involved with their children, similar to those offered to single custodial mothers. In addition, legal aid services and access to school buildings and records would then be available to both parents. Currently, access to these services is only available to the mother in situations where the parents were unmarried. If the client is the child, legal systems can focus on supporting both parents to cooperate on behalf of the shared child rather than struggle with each other over access to the child and financial resources. In addition, schools can engage and provide records to both parents in a child’s life, engaging both parents and their families in the child’s education.

Custody of a child born to unmarried parents

Currently, ORC 3109.042 assigns full custody of a child born to unmarried parents to his/her mother:

§ 3109.042 Custody rights of unmarried mother. An unmarried female who gives birth to a child is the sole residential parent and legal custodian of the child until a court of competent jurisdiction issues an order designating another person as the residential parent and legal custodian. A court designating the residential parent and legal custodian of a child described in this section shall treat the mother and father as standing upon an equality when making the designation. HISTORY: 147 v H 352. Eff 1-1-98.

Although this legislative code mentions the importance of treating a father equally in establishing custody, a process for establishing shared custody between unmarried parents has not been created in Ohio and low cost legal services are generally not available to unmarried low income fathers across the State of Ohio. Although this issue is outside the boundaries of the HB 366, it is a critical issue to keep in mind as you consider the legislation. The issues of custody and child support are intuitively linked in the hearts and minds of parents, but they are not linked in law.

Child Support Guidelines as a Safety Net for Children

Although tempting, it is not realistic to look to a low income obligor as the source of safety net resources for a low income obligee. Setting an order beyond the obligor's ability to pay will likely lead to the buildup of arrearages and a possibility that the obligor will go underground to evade the system. An order that is set above the obligor's ability to pay may also serve as a source of contention for both parties and the family. Instead, an appropriate order for the low income obligor, based upon their ability to pay, improves the likelihood that child support will be consistently paid and that the obligor will remain in contact with the local child support agency and his/her children. Thus, a child's safety net doubles in size when Child Support Guidelines are set to engage and support both the custodial and noncustodial parent households.

Public Benefits for Custodial Parents and Children

Most local, state and federal benefits target custodial families in an attempt to provide a safety net for the family. American social welfare policy has traditionally focused on supporting single custodial parents and children, while not providing support for noncustodial parents who are contributing financially to the support of their children. As an example, the table below shows the benefits provided by the federal earned income tax credit program, one public benefit program targeting the reduction of poverty. Note the substantial benefit available to the custodial parent household through the EITC, while a noncustodial parent that is up to date on his child support

order and spends time parenting his children receives no benefit, except at the extreme lowest levels of income.

Earned Income Tax Credit benefit for varying family types and income levels:

	Noncustodial parent	Custodial parent with 1 child	Custodial parent with 2 children
\$19,500 income	\$0	\$2932	\$4952
\$15,500 income	\$0	\$3250	\$5372
\$11,500 income	\$215	\$3250	\$4610
\$6,000 income	\$461	\$2049	\$2410
\$1000 income	\$78	\$349	\$410

source: <http://www.irs.gov/pub/irs-prior/p596--2013.pdf>

The EITC is just one example of benefits that are available to custodial parents, but not available to noncustodial parents, even when those noncustodial parents spend time with their children through a legal parenting time order and are up to date on their child support payments. Other benefits only available to the custodial parent household include subsidized housing, subsidized employment, education benefits and home visiting services.

In conclusion, OPNFF supports all of HB 366 and in particular the Self-Sufficiency Reserve, the Parenting Time Credit and the Deviation Factor for Extended Parenting Time. All of these components begin to address the inequity of resources between custodial and noncustodial households. Ohio's children will be more successful when both parents and their extended families are part of that child's safety net. HB 366 provides us an opportunity to begin this important work.

Thank you very much for your consideration of this testimony and for your service in the Ohio General Assembly.