



**LEGAL AID SOCIETY OF  
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**House Bill 209  
Senate Judiciary Committee  
2.12.2020**

**Testimony in Opposition to HB 209**

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee, my name is Brian Davidson, I'm an attorney with Legal Aid Society of Southwest Ohio. I've been practicing for 20 years, primarily in family law matters. Over the course of my career, I have seen countless bad actor spouses who have tried to hide, dispose of, and otherwise waste or encumber marital assets.

I would like to share a brief client story which illustrates the importance of retaining Ohio's dower statute, and the potential harm that can come from spouses acting in bad faith.

As we speak, one of our clients is in court seeking to undo the damage that was caused when her husband sold their home from under her. The story is simple: the couple was divorcing and agreed to sell the home, which was in his name, split the proceeds, and go their separate ways. Instead, he took every penny and left her and their child with nothing.

The power dynamic in the marriage was also simple: He had all of it. As is so often the case, domestic violence was involved. This particular husband has not only physically harmed our client, he often denied her food or money. He wouldn't even allow her to work outside the very home which he eventually took from her. Although it was the marital residence for many years and was purchased during the marriage, he put the house solely in his name in order to maintain control of the finances. When he decided to sell it, he lied to the title agent stating that he was an unmarried, and the property was transferred without question. There was \$30,000 equity in the home, which he has kept from his soon-to-be ex-wife and almost certainly squandered. During the marriage he quickly spent every dollar they had. The husband now lives with his father rent free, and our client is homeless except for when she can scrape up enough money to find a hotel.

Her best hope now is that the court will find that he intentionally stole marital property, which is easier to prove because the dower statute forced him to lie to

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the title company. Even if we are successful, like with so many of our cases, the money is probably long gone. At that point there's not much to be done. You can't be sent to jail for bankrupting your family.

It is not enough that domestic relations law would consider the property a marital asset. That protection comes too late. It is only meaningful if there is money left and if the injured spouse can get a lawyer. Dower acts before the sale occurs and hopefully stops it from happening. At Legal Aid we tend to see the worst miscarriages of justice. In this client's case, dower did not stop an abusive husband from stealing everything they had, but it did force him to lie to the title company to succeed. Without dower the transaction would have been perfectly valid. Dower serves as a barrier that prevents bad acting spouses from easily cheating on their obligations to their family. When dower succeeds, that homeless family never has to walk into my office. I would like to keep it that way.

We could consider better methods of protection for spouses, but until we have that, we have dower. There is value in ensuring that vulnerable non-titled spouses know when their home is being sold. We should not make the system or the vulnerable easier to abuse. We should not be content that some lawyer like me might, maybe, be able to clean up the mess left behind.

Thank you for the opportunity to testify and I am available to answer any questions members of the committee may have.

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