

Chairman Hillyer, Vice Chairwoman Grendell, Members of the House Civil Justice Committee – thank you for permitting me to address you this afternoon.

My name is Paula Giulitto. I am the Judge of the Portage County Domestic Relations Court. The Court was legislatively created in 1987 through Ohio Revised Code §2301.03 (P) and vested with jurisdiction over all divorce, dissolution of marriage, legal separation, and annulment cases, and derivative issues involving children born of married persons. The Juvenile Court has jurisdiction over cases involving children born of never married persons; children who are abused, neglected or dependent; and children who are delinquent.

Over the ensuing years, the Domestic Relations Court’s jurisdiction expanded by legislative enactments to include domestic violence and dating violence civil protection cases. In 2019, legislative changes provided that Juvenile Courts could transfer of certain types cases involving children of persons who were or are married to the Domestic Relations Court.

This proposal is the collaborative effort of the Domestic Relations and Juvenile Courts to request the expanded configuration of the Domestic Relations Court to include exclusive jurisdiction over paternity, custody, visitation, child support, allocation of parental rights and responsibilities involving children born between unmarried persons, post-decree proceedings arising from those cases, cases falling under the Uniform Interstate Family Support Act, and other related cases. We are requesting an effective date of July 1, 2023. Both Courts endorse the reconfiguration to best serve the Portage County community and families involved in litigation of domestic matters. The Portage County Bar Association, Portage County Board of Commissioners, and the Supreme Court of Ohio support our request.

The reality of what a “family” looks like has changed dramatically over the last 35 years. It is frequently the case that a child is born of parents who are not married or that a child who is

born of parents who are married has a sibling born of parents who are not married. This change in family dynamics has often resulted in parents litigating in two courts.

The increasing civil protection caseload has also created situations where the Domestic Relations Court issues temporary custody orders in cases involving children born of unmarried parents prior to, during, or after the Juvenile Court has addressed other child-related matters. The processes, hearing officers, general rules, and parenting time schedules of the Domestic Relations and Juvenile Courts are different. As a result, despite the best efforts of both Courts, there may be issues that are inadvertently not fully addressed or inconsistencies in parenting time schedules that prevent siblings spend time together with a parent.

Reconfiguration of the Domestic Relations Court will result in all family matters being litigated in one court. One Family - One Court. The unraveling of a family or relationship - whether by divorce or breakup - is traumatic to parents, children, and often extended families. Removing the confusion of litigating in multiple forums with different rules will reduce some of the stress, frustration, and angst experienced during this time. Case management and case flow efficiencies will also be enhanced.

The Domestic Relations Court has had dedicated mediation services since 2007. It has provided parent education since 1995. The Children Are Forever seminar is currently presented and facilitated by Dr. Dixie Benschhoff, a nationally recognized psychologist and teacher. These services will be available to the cases transferred to the Domestic Relations Court.

Reconfiguration of the Domestic Relations Court will permit the Juvenile Court to commit its efforts and resources to cases involving children where there are allegations of abuse, neglect, and dependency and juvenile criminal and traffic matters. The recent dramatic increase in these types of cases has caused the Juvenile Court to investigate alternative programs and other

rehabilitation options to better serve the youth and families and protect children. The Juvenile Court is implementing specialty dockets such as a juvenile drug court, case management services, implementation of a newly formed CASA program, and increased mediation for truancy and other non-formal delinquency and unruly matters.

Presently, there are ten (10) other domestic relations courts in the State of Ohio that have the expanded jurisdiction discussed in this proposal. The Portage County Domestic Relations Court ranked at just below the median on an average annual incoming caseload per judge between 2015 and 2019 for divorces, dissolutions, and all other cases, managing a total average of 1,639 cases per year.

This proposal involves the transfer of approximately 714 cases annually, increasing the Domestic Relations Court's caseload to 2,353 cases per year. The Domestic Relations Court will remain near the median, overall, in managing all case types after the expansion.

The Portage County Juvenile Court managed an average of 2,263 cases per year per judge between 2015 and 2019. The proposed transfer of approximately 714 cases will decrease the Juvenile Court's average annual caseload to 1,549.

Given the trends of cases filed in the Portage County Domestic Relations and Juvenile Courts, although the transfer of cases will create the need for additional staffing in the Domestic Relations Court, there will not be a decreased need for staffing in the Juvenile Court. The Portage County Board of Commissioners not only supports the transfer of cases requested through this proposal but also commits to financially supporting the needs associated with the reconfiguration of the Domestic Relations Court.

Conclusion

The current division of jurisdiction between the Portage County Domestic Relations and Juvenile Courts caused there to be duplicative, but not identical, services instituted to manage parenting-related issues. This has resulted in different and inconsistent outcomes for families who may have similar factual circumstances. The importance of fairness and consistency extends to all cases, but it is especially important when dealing with families. Whether a child is born to a married couple or an unmarried couple, it should make no difference in terms of where parents go to resolve custodial disputes.

Economically and practically, the benefits of family matters being litigated in one court makes good sense. Expanding the jurisdiction of the Domestic Relations Court to address all issues involved in the end of a marriage or relationship and child-related issues benefits families. The reconfiguration will permit both the Domestic Relations and Juvenile Courts to be proactive in developing new programming and providing services to meet the needs of particular case types without having to duplicate services. Continuity of services will continue for the transferred cases, and families will benefit from consistency in the litigation process. The Juvenile Court will be able to focus on developing new programming and providing services to the youth and families going through matters involving child dependency, abuse, neglect or delinquency.

The citizens, judges, and attorneys deserve a judicial system that provides a degree of equality in how families are treated, services available, and consistent outcomes. For these reasons, we respectfully request that this Committee approve and recommend the legislative expansion of the jurisdiction of the Portage County Domestic Relations Court.