

Chair Hillyer, Vice-Chair Grendell, and the Civil Justice Committee,

Vote no on HB 508. If this bill passes it would cause irreparable damage to families in Ohio. Custody decisions should be based on individual families' needs and the best interest of the children of those families. Cookie-cutter custody arrangements don't fit all families and would put many children in danger.

I have many concerns about a bill like HB 508 passing in Ohio. Among my concerns is the effect on the children and families who are victims of abuse. Most families who divorce or separate are capable of making arrangements for custody of their children with minimal assistance from the courts. Only 10% of custody cases need extreme intervention from the courts. Of that 10%, 75% involve abuse and/or domestic violence. It is because of this statistic that it is so important that this bill not be passed. Abuse is so difficult to prove. Most of the time the only witnesses are the abuser and the victim. The only proof is testimony and then it's a case of he said she said. With the amendments to this bill wanting to punish false allegations, it is likely that allegations that can't be proven will be confused for and treated as false allegations. In most cases of physical and sexual abuse, there are years of emotional abuse and grooming to ensure that the victims don't speak out against the abuser. By the time the victims are ready to seek help and safety, any physical evidence is gone and undocumented. Abuse comes in many forms. Most forms of abuse are not possible to prove, especially with clear and convincing evidence. One popular form of abuse once victims have fled the home is judicial abuse. It is my concern that if this bill were passed into law that abusers who lost in court previously, will rush to the courthouses to refile for a change in custody knowing that they will be held in a new regard. As someone who has been dragged through the court system for the past 12 years with the court system used as a way to abuse me, I can not afford another trial both emotionally and financially.

The bottom line of any child custody case should always be the best interest of the child and in many cases, shared parenting is not what is best for the child or the family. Abuse is not the only reason that shared parenting may not be right for every family. Schedules, distance, parents' choice of involvement, mental illness and/or capabilities, substance abuse, and many other circumstances make it so one parent needs to take on the majority of decision-making and the parenting schedule.

There seems to be an underlying ideological component to this bill where some are under the impression that if this bill is passed that it will bring absent fathers back into their parenting roles. In the same manner in which you can not file for contempt when the noncustodial parent leaves their children waiting for their parent to show up for their parenting time, there is also no way to write this bill that can force a parent to be there for their children. Some parents will go to court and get their parental rights and schedules and then never actually use them. Some parents just don't want to be parents.

In the same regard, laws can not be made to vindicate parents who feel their custody fight was unnecessary. This law would give abusers the upper hand and keep protective parents from being able to protect their children and keep them safe. This bill comes with a built-in warning that if you can't prove the abuse you not only lose the case but you will be punished for

attempting to keep your children and yourself safe. If passed, this bill will put more people in danger and will lead to more unnecessary violence.

The way the law is written now, children do not have a voice in what happens to them. They can not choose who they live with or what happens to them. If a child is given the opportunity to speak to a judge or Guardian Ad Litem, they later find that they are left with parenting time or in the custody with their abuser whom they spoke out against and the abuser knows they did. If this bill passes the parental rights will trump the best interest of the child more severely than it does now.

As the Violence Against Women Act has been reinstated, a new portion of the bill is Kayden's Law. In that portion of VAWA money can be given to states who meet the standards outlined. It is many people's concern that if HB 508 is passed that our state will not only lose that opportunity but will be closed off from the educational opportunities for our family courts as more education in abuse can lead to cases being handled appropriately and more children being kept safe. As of now, every year 58,000 children are placed in the custody of an abusive parent in the United States. This is because abusers are more likely to seek full custody. These abusers are successful in obtaining sole custody more than 70% of the time despite the abuse being known to the courts. As with the family behind Kayden's law, many courts don't listen to protective parents. When they go unheard children are killed by their parent/abuser just like Kayden was killed by their parent. While Kayden's custody case was not in Ohio, it's happening here. In Preble County, a father killed his 2 children and then killed himself in January 2022. In December of 2021, an Ohio father killed his two children and their mother in the midst of their divorce. In January of 2021 a father killed his two daughters in Columbus, Ohio. These are just the top 3 that came up in a simple Google search for this type of violence in Ohio but they are far from the only ones. These murders are on the rise. Most of these murders are avoidable with education for court employees to better understand abuse. We need laws and education to protect the children and to keep the focus on the best interest of the children.

Whether or not this bill passes will have no direct effect on my case. My case is over. In 10 months my child will be 18 and getting ready to graduate high school. My family was dragged through over 12 years of detrimental proceedings; 4 trials, 2 judges, 2 magistrates, 3 counties, and dozens of trials. The court system is far from perfect but if HB 508 were in place at any time during those proceedings my family would not have survived. The effects of these proceedings on my child are extensive but in the end, he was kept safe. There were many cases of abuse brought to the criminal court and every time he was able to plead down to a lesser charge that did not mention domestic violence or child abuse and child services did not have enough to substantiate because of the high level of manipulation of facts. Through my time trying to keep my family safe, I have met many others who are going through the same things, and the only people to benefit from this bill are the abusers because healthy people can come together and agree on what's best for their families. This bill is not designed to protect children. It is meant to empower parents who under normal circumstances, would not get shared custody and to make it more difficult and expensive to protect these children. In the 80's and 90's it was said that moms won automatically in custody cases. It's not true anymore. That's a dated argument. Now, whenever possible, shared parenting is the preference of judges. The laws in place give married couples equal rights to their children and unmarried couples have the same rights once paternity is established. This bill would bring us back to a time when safety was not the priority,

entitlement was. Vote no on HB 508 and keep the best interest of the children the deciding factor in family court.



Randi Gilmore

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Date signed

<https://www.batteredmotherscutsstodyconference.org/resources>

<https://bronx.news12.com/amp/no-way-out-the-shocking-statistics-about-domestic-abuse-in-the-hudson-valley-40053653>

<https://www.apa.org/>

https://www.americanbar.org/groups/domestic_violence/