OHIO CHILD SUPPORT PROFESSIONALS ASSOCIATION
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Ohio Child Support Professionals Association

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House Families and Aging Committee
Interested Party Testimony of Amy Roehrenbeck, Esq.
Ohio Child Support Professionals Association (fka OCDA)
HB14
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Chair Schmidt, Vice Chair Miller, Ranking Member Denson, and members of the Committee, thank you for the opportunity to provide Interested Party testimony on HB14 on behalf of the Ohio Child Support Professionals Association (OCSPA), formerly known as the Ohio CSEA Directors' Association (OCDA). We are a membership organization of county child support enforcement agencies (CSEAs), dedicated to strengthening Ohio's child support program by providing advocacy, training, and development for all child support professionals in Ohio. My name is Amy Roehrenbeck and I serve as the OCSPA Executive Director.

Ohio's Child Support Program serves one in four children in our state, which means there are nearly one million children involved in our program. We work with divorcing parents, never married parents, and caretaker relatives, as well as sister health and human services agencies, the courts, the private bar, community partners, and other stakeholders.

We have been monitoring HB14, and while it does not contain many direct child support references, the bill will have broad impacts to the child support program and the families we serve. OCSPA provided testimony on this bill during the last General Assembly (HB508), but several of our questions and concerns were not addressed in the substitute version pending in this committee, so we are here to again ask for clarification.

To begin, Ohio uses an income shares model to determine child support, assigning each parent their percentage of the estimated cost to raise a child under our economic tables. Equal parenting time does not mean that the parties have equal incomes. It is not uncommon for parties to share time, but have a large disparity in income, and in those cases, a child support order may be in that child's best interest. However, changes under HB14, paired with current statutory language do not make it clear that a child support order in this scenario would actually be payable. While proposed ORC section 3109.046 specifies that every shared parenting order include a designation of the parent paying and receiving child support, it says that this is done in accordance with Chapters 3119, 3121, 3123, and 3125 of the Ohio Revised Code. A discrepancy exists under 3119.07 (A), wherein a residential parent's portion of the income share is deemed spent in the home. Since HB14 requires both parents to be named as residential parents, we are asking for specific clarification that one residential parent is named as the parent paying support, and one is named as the parent receiving support (similar to the carve out in proposed 3109.0414 for public assistance and school district) for cases when a child support order is proper.

Next, we continue to have concerns with regard to a subset of parents that will be affected by HB14 that have, up to this point, not received much attention—the unmarried population.

To begin, we recognize and support the goal of having both parents engaged and involved with their children. We know that outcomes are better for children when both parents are present and active in their lives. As a program that works with families every day, we also know the reality that nearly 43% of children in Ohio are born to unwed parents and that these parents are not always engaged and involved with their children.

Under Ohio law, paternity can be established up until a child's 23rd birthday. CSEAs pursue paternity actions every day that involve children over a large range of ages, and often involve mothers and fathers that have not been in a long, sustained relationship. CSEAs also see mothers and fathers that have no relationship at all and have been out of contact for many years before paternity establishment.

Under HB14, it appears that a putative father (one with paternity not yet established) can proceed with an action to get default shared parenting prior to paternity being determined, and regardless of whether there is already a relationship between the father and child (see proposed 3109.0436). Further, the lack of prior relationship between the father and child is not a reason to rebut the presumption for 50/50 time under either section 3109.0411 (factors to rebut when there is an agreement) or section 3109.0422 of the bill (factors to rebut where there is no agreement). The prior interaction and interrelationships of the child with the child's parents is mentioned as a factor under 3109.0453, but it is unclear as to if and when this would be considered if the presumption is not rebutted. Given that many unmarried parents are unrepresented and have to proceed pro se, it is very likely that they will not know how to navigate these multiple sections and know what factors

apply and when. This could result in 50/50 time for parties that do not want or are ill-equipped to exercise shared responsibilities, simply because they made a request for parenting time. We believe it would be beneficial to take an in-depth look at these sections to avoid confusion.

CSEAs commonly have cases where the parents have little contact with one another and have not made any real decisions together. HB14 continues the current practice of requiring divorcing parents to attend co-parenting classes but offers no such equivalent for unmarried parents. It would be very beneficial for these parents to have educational opportunities to learn how to co-parent.

Finally, we ask for clarification regarding the impact of this bill on current orders. Proposed section 3109.0485 says:

> *The following orders remain in effect but* ***shall be enforced and modified*** *in accordance with sections 3109.04 to 3109.0486 of the Revised Code as amended and enacted by this act:*
>
> *(A) Orders allocating parental rights and responsibilities for the care of a child issued under section 3109.04 of the Revised Code as that section existed prior to the effective date of this act;*
>
> *(B) Parenting time orders and orders for companionship or visitation issued under section 3109.051 of the Revised Code as that section existed prior to the effective date of this act.* (Emphasis added)

It is unclear what "shall be enforced and modified" means here. Does it mean that all present orders are required to be modified? Or does it mean that if someone asks for a modification, that it would be done in accordance with the provisions of this bill? It is also unclear what "shall be enforced…in accordance" with this bill means. An order presently in effect would be enforced under the terms of that order—not enforced under the new law unless the order gets modified first. We ask for this section to be clarified to avoid confusion.

Thank you for the opportunity to provide testimony. I am happy to answer any questions.