

**Ohio House of Representatives
Families and Aging Committee
Testimony of Bridget Mahoney
May 14, 2024
Ohio Sub House Bill 14**

Chair Schmidt, Vice Chair Miller, Ranking Member Denson, and members of the House Civil Justice Committee, my name is Bridget Mahoney. I am a former Board Chair of the Ohio Domestic Violence Network and current Public Policy Chair. Thank you for this opportunity to provide opponent testimony on substitute House Bill 14.

I want to thank the bill sponsors and this committee for keeping a spotlight on Ohio's Family Courts.

You've heard a lot of testimony on HB14. What is loud and clear from all sides-there are systemic issues in Ohio's Family Courts. The Honorable Judge Paul Pfeifer of the Ohio Judicial Conference testified "we recognize that the family court system can be improved."

Bill Sponsor Rep. Creech said in his testimony to this committee "it's your job to create laws that protect families and ensure the best interest of children is truly served." I agree with Rep. Creech.

However, Sub HB14 continues to put the "rights" of parents over the best interests of a child. It would impose a new, parent centric structure that would do serious harm to Ohio's children.

It goes against Ohio law that established decades ago, that a child's best interests is the most crucial factor in any custody decision. Even under that standard, children are sometimes at high risk in family court. Research shows about 90% of custody cases are resolved without significant court intervention (mediation, custody evaluations, litigation).^{1,2} In the 10% of cases that are litigated, up to 75% involve reports of domestic violence.³ These are the cases courts need to give meaningful consideration on what is actually in the best interest of children.

Bill Sponsor Rep. John recognized that in her testimony when she acknowledged there are times when children are "being used as pawns in a conflict."

My family's experience is a prime example. Briefly-

My children were failed by the very system set up to protect them.

Despite being provided years of extensive professional documentation of abuse, the legal system turned a blind eye, ignored the children's pleas for help, and judged the situation as simply two parents who just didn't get along.

Our case was in the court system for more than 20 years, cost hundreds of thousands of dollars, and caused devastating emotional and physical pain and suffering still trying to be healed today.

In a situation like ours, if I had withheld parenting time when my child first disclosed her abuse, the court would be required by HB14 to give primary physical custody to her father,(Sam Boak).

Regardless. It puts protective parents in an impossible situation – face criminal charges for *failure to protect*, removal of your child-by-child welfare for *not* taking protective action or *lose custody to the abuser* in family court.

It's horrifying to grasp how much worse, how much more destructive it would have been had this been law. Would I have chosen to stay in an abusive marriage to ensure at least some protection for my children?

The core, harmful flaw in either version of HB 14 is the sequence of presumptions that compel courts to ignore the well-being of individual children and instead center their decision making on the assumed wants of parents. There is no regard to child development or a myriad of practical considerations. With HB 14 the court system will continue to be weaponized and used to continue the power, control, and abuse of a former spouse through their children, *especially* when parents' rights take priority over a child's.

In fact, HB 14 makes the court an even *better* weapon.

1. Under HB 14, the entire cost and burden of litigation will – by design – fall squarely on the shoulders of the parent trying to protect their child. As long as the abusive parent declares that they want 50/50, they have nothing to prove to the court. The person with the most power, and money – usually a domestic violence abuser – controls the solution.
2. Under HB 14, professionals would have to be brought in as experts to prove to the court that a parent's actions were “detrimental” to their decision making AND to their parenting. I struggled, but was able to generate the money for this level of help and expertise, but most parents I speak with who are trying to protect their children cannot afford this.
3. The premise of HB 14- that forcing 50/50 time will force parents to get along. What happened instead to my family (what will happen even more if this bill is passed) is that the abuser will have greater access to and control over his victims – the non-abusive parent and the children.

Please Oppose HB14. But please continue to keep a spotlight on Ohio's Family Court. There *are* solutions- The Family Law Reform Implementation (FLRI)⁴ is proposed legislation that would address and update problems in the family law statutes. It's the result of the Task Force on Family Law and Children created by the Ohio General Assembly. Judge Pfeifer detailed recommended fixes during his testimony-such as not allowing cases to drag on, further education for courts and guardian ad litem, a change in terminology from “parental rights and responsibilities” to “parenting responsibilities,” more accurately reflecting children should be treated as persons, not property to be divided when the parents are no longer together. We are hoping provisions of Kayden's Law 5 would improve FLRI and have the added benefit of bringing needed federal dollars to Ohio.

As you decide the future of Ohio's children and consider the adult testimony given, please read Julie Boak's, testimony-my daughter's personal, heart-breaking account of what happens to a child when their best interests are cast aside, and the long term health and financial consequences that continue well into adulthood.

House Bill 14 scares her. It scares me too.

1. Court Statistics Project. Caseload Detail: Dissolution/Divorce. Court Statistics Project, Available from [CSP STAT Domestic Relations | Court Statistics Project](#)

2. Ollendick, White & White, The Oxford Handbook of Clinical Child and Adolescent Psychology, 499 (2018).

3. Peter G. Jaffe, Claire V. Crooks & Samantha E. Poisson, Common Misconceptions in Addressing Domestic Violence in Child Custody Disputes, 54 JUV. & FAM. CT. J. 57, 60 (2003) (75% of cases filed include domestic violence allegations)

4. Ohio Task Force on Family Law and Children Family Law Reform: Minimizing Conflict, Maximizing Families https://www.supremecourt.ohio.gov/docs/JCS/taskforce/report_final.pdf

5. The Keeping Kids Safe from Family Violence Act- Kayden's Law. [Legislation and Resources — Danielle Pollack](#)