

National Parents Organization  
2 Abbott St. #543  
Woburn, MA 01801  
617.431.8019  
SharedParenting.org  
Parents@SharedParenting.org



**PROPONENT TESTIMONY - HB14**  
**TESTIMONY OF DONALD C. HUBIN, Ph.D.**  
**Chair, National Board, National Parents Organization**  
**614-733-9699, DonHubin@sharedparenting.org**

**FAMILIES AND AGING COMMITTEE**  
**OHIO HOUSE OF REPRESENTATIVES, 135TH GENERAL ASSEMBLY**  
**May 14, 2024**

Chairperson Schmidt, Vice Chair Miller, Ranking Member Denson and members of the House Families and Aging Committee, thank you for the opportunity to provide proponent testimony on HB14.

My name is Don Hubin, I'm an Emeritus Professor of Philosophy at the Ohio State University and the Founding Director Emeritus of the OSU Center for Ethics and Human Values. I'm also the Chair of the National Board of National Parents Organization. NPO is the nation's largest and most effective shared parenting organization, with chapters in 28 states. We work to promote children's best interest by strengthening the bonds between children and their fit and loving parents when those parents live apart.

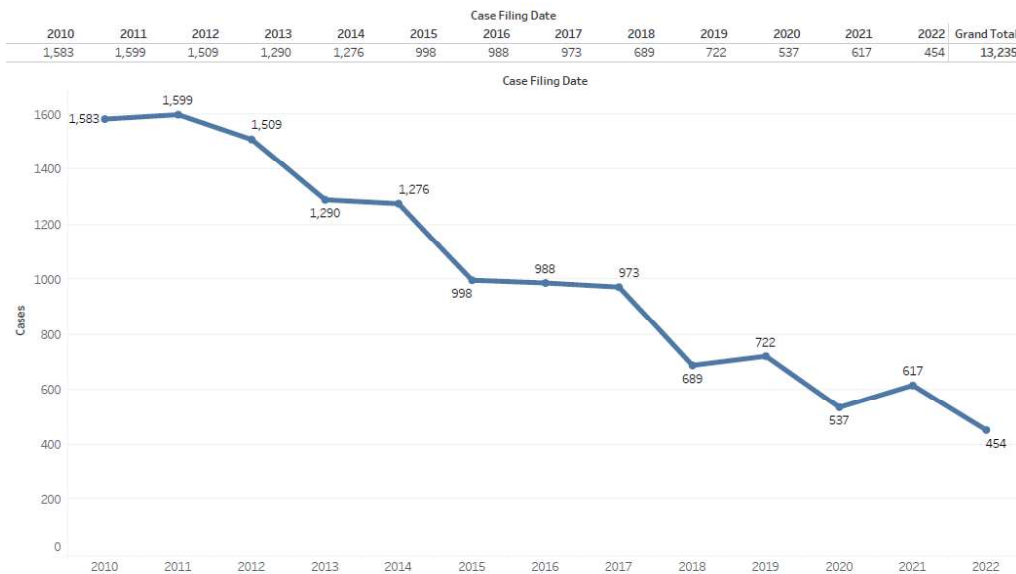
Just over a year ago, I testified before this committee outlining the more than 40 years of sound scientific research that overwhelmingly reaches the same conclusion: children do best with two parents actively involved in raising them. On virtually every metric of child well-being, when parents live apart, children raised in shared parenting arrangements score about as well as children raised in intact families and much better than children raised in a sole custody arrangement.

I cited some of the evidence as well as discussing the growing evidence that legal presumptions of shared parenting are correlated with *decreased* incidences of intimate partner violence and child maltreatment. The research showing the benefits of shared parenting for children's well-being is so extensive and consistent that few question this conclusion now. But concerns about the effect of presumptions of shared parenting on intimate partner violence and child maltreatment continue to be raised. In what follows, I present an evidence-based response to these concerns and update some of the data that bears on this matter.

### Shared Parenting and Intimate Partner Violence

It is unquestionable that courts need to accurately identify parents who present a threat to the other parent of their children and to protect the at-risk parent. That is why, HB14 includes this as a relevant factor for rebutting the presumption of equal shared parenting (§3109.0411(B)). The presumption applies only in cases where the court has determined that there is not such a risk present. When courts fail to identify dangerous parents, it affords no protection to the threatened parent for the courts to restrict the abusive parent to the still typical every-other-weekend-and-one-evening-a-week schedule—a schedule that requires six exchanges of the children that, absent special arrangements, bring the parents into contact with each other.

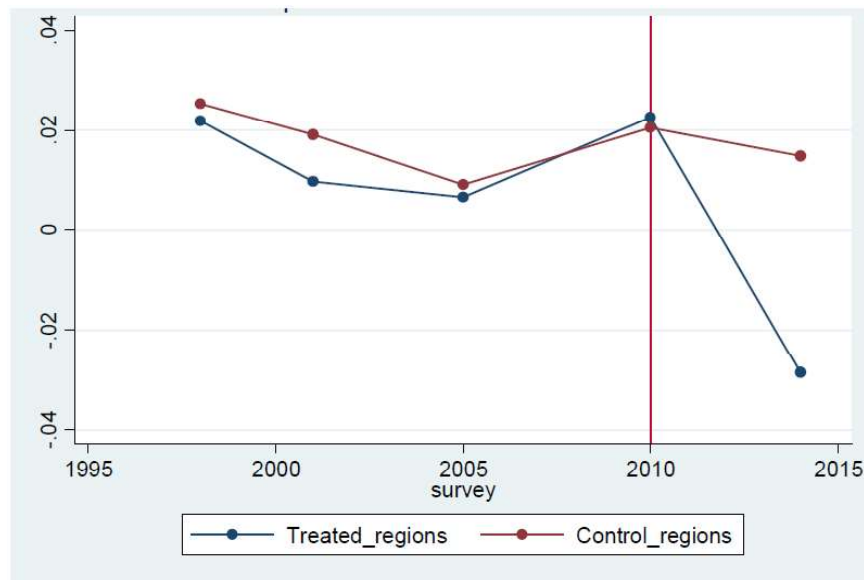
But, *do* presumptions of equal shared parenting expose people to increased risk of IPV? Fortunately, the research that is available concerning the effects of presumptions of shared parenting on the incidence of IPV indicate that, far from exacerbating IPV and further endangering victims, presumptions of shared parenting *reduce* the frequency of IPV. Support for this conclusion comes from research in Kentucky and Spain. In Kentucky, the incidence of domestic relations cases cross referenced with domestic violence cases dropped by more than half—from 973 to 454—between 2017 and 2022, the period during which Kentucky implemented its equal shared parenting presumption.<sup>1</sup>



Spain presents a natural experiment because early in the early 2010s about half the jurisdictional regions enacted presumptions of shared parenting and the other half did not.

<sup>1</sup> Department of Information and Technology Services, Research and Statistics, Kentucky Administration of the Courts (2023) Circuit civil domestic & family cases filed 01/01/2010 - 12/31/2022 statewide cross referenced with domestic violence cases. (Available upon request.)

Researchers found that, since that time, presumptions of shared physical custody “led to a **large and significant decrease in intimate partner violence**, with the largest effects among couples in which the mother was more likely to seek sole custody before the policy change” (emphasis added). The policy “**significantly decreased domestic violence, with IPV falling by almost 50%**” (emphasis added). And they also found “evidence of **a significant reduction of the number of female homicides committed by intimate partners after the joint custody reform**” (emphasis added).<sup>2</sup>



Note: ‘Treated Regions’ refers to those regions that adopted presumptions of joint physical custody; ‘Control Regions’ refers to those regions that did not.

It is worth noting, too, that parents’ concerns about losing custody of their children is a source of—not a remedy for—parental conflict. Research supports this conclusion<sup>3</sup> and independent polling has consistently shown that between 72% and 85% of citizens believe that “when there is conflict between parents, awarding sole custody of children to just one parent *increases* that conflict.”<sup>4</sup>

### Shared Parenting and Child Maltreatment

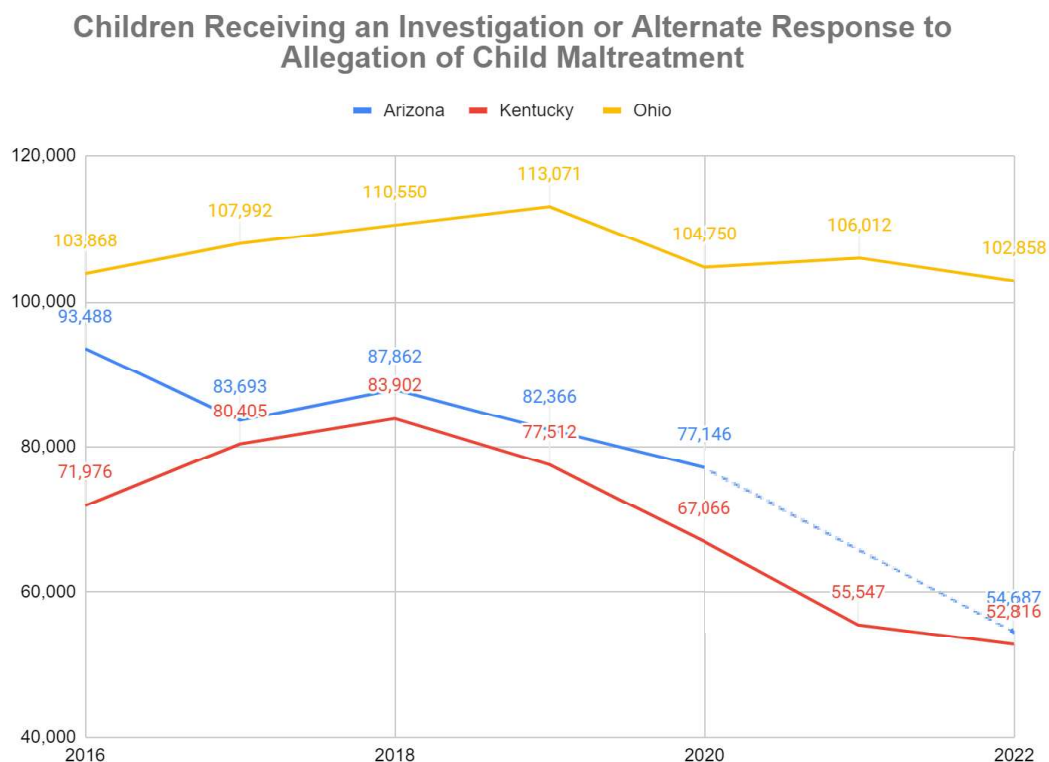
In my testimony last year, I presented two pieces of research that bear on the issue of the connection between presumptions of shared parenting and child maltreatment: one compared Ohio rates with those in Kentucky, which enacted a presumption similar to that in

<sup>2</sup> Fernández-Kranz, Daniel; Nollenberger, Natalia; Roff, Jennifer Louise (2020) : “Bargaining under Threats: The Effect of Joint Custody Laws on Intimate Partner Violence,” *IZA Discussion Papers*, No. 13810, Institute of Labor Economics (IZA), Bonn.

<sup>3</sup> Kruk, Edward, *The Equal Parenting Presumption*, McGill-Queen’s University Press, 2013.

<sup>4</sup> “Shared Parenting Polling: A National Consensus,” National Parents Organization website: <https://www.sharedparenting.org/s/NPO-Nationwide-Polling-Report.pdf>.

HB 14 in 2018. Here, I update those data and add data from Arizona, which enacted a statute courts are interpreting as a rebuttable presumption of equal shared parenting in 2012. The statistics are stunning. Between 2018 and 2022, the rate of cases where a child received an investigation or alternate response to an allegation of maltreatment in Ohio dropped by only 6.96%. In the same period the rate of such cases dropped by 37.05% in Kentucky and by 37.76% in Arizona.<sup>5</sup>

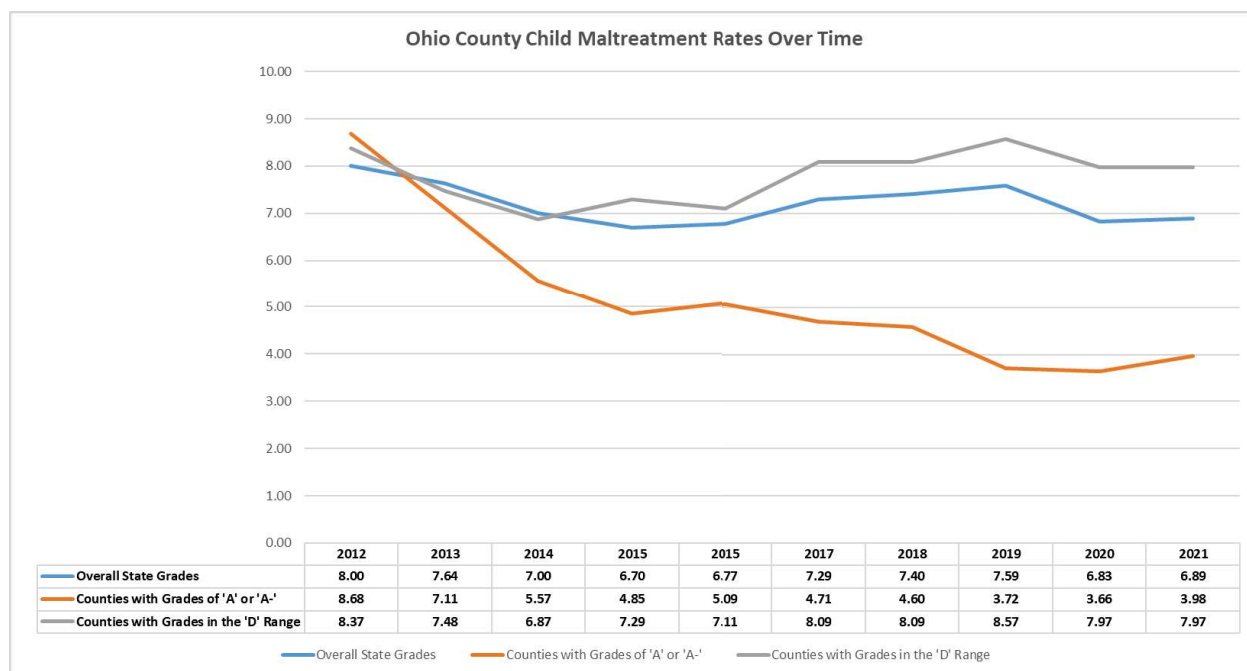


Note: Arizona did not report data for 2021.

Within Ohio, the Ohio Department of Job and Family Services compiles county-by-county statistics on child abuse and neglect. NPO correlated these statistics with the type of local parenting time rule that the county’s domestic relations court has adopted. What we found is instructive. Those counties that have equal or nearly equal local parenting time rules had significantly lower, and declining rates of child abuse and neglect. In 2012, these counties had rates of child maltreatment slightly higher than the statewide average of 8.0 per 1,000 children. By 2021, the child maltreatment rate in these presumptive equal shared parenting counties was half that—3.98 per 1,000 children. The statewide average in 2021 was 6.89 per 1,000 children. And the average of those counties with the most unequal parenting time rules

<sup>5</sup> *Child Maltreatment 2022*, U.S. Department of Health & Human Services, Administration for Children and Families, Children’s Bureau, Table 3.1, p. 30, available at: <https://www.acf.hhs.gov/cb/report/child-maltreatment-2022>.

was 7.97, more than a full point above the statewide average and more than twice the rate of the shared parenting counties.<sup>6</sup>



### Conclusion: Anecdotes and Speculation, or Evidence

This committee faces a stark choice: Will it base its decisions about presumptions concerning child custody on anecdotes and speculation or on the best evidence available. The evidence is clear that, in the overwhelming majority of cases where parents are living apart, children raised with both parents actively involved do much better than children raised in sole custody arrangements. There is now evidence that *establishing a rebuttable legal presumption* of shared parenting benefits children, too.<sup>7</sup> And there is now a growing body of research indicating that **presumptions of shared parenting *do not* increase, but in fact *decrease*, the incidences of intimate partner and child maltreatment.**

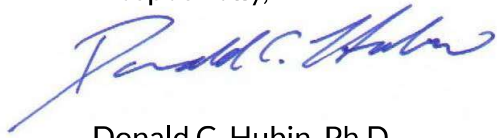
Evidence-based medicine is to be trusted over medical decisions based on anecdotes and speculation. The same is true of legislation. And the evidence about the well-being of children and parents supports the rebuttable presumption of shared parenting that HB 14 will establish.

<sup>6</sup> “Shared Parenting and Child Abuse and Neglect: An Ohio Study,” National Parents Organization, 2023, available at: <http://bit.ly/3l1DkCY>.

<sup>7</sup> “The evidence that is now available is compelling that failure to enact presumptions of equal parenting time risks unnecessary harm to children’s emotional security with their parents, and consequently unnecessary harm to public health in the form of long-term stress-related mental and physical health problems among children of divorce.” Fabricius, William V. “Equal Parenting Time: The Case for a Legal Presumption,” *The Oxford Handbook of Children and the Law* (2020) Oxford University Press

Chairperson Schmidt and members of the committee, thank you again for allowing me to provide testimony in support of HB 14.

Respectfully,

A handwritten signature in blue ink, appearing to read "Donald C. Hubin". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Donald C. Hubin, Ph.D.

Note: Cited articles available upon request.